Empowering People with Criminal Records to Change Policy:
A Legal Advocate's Guide to Storytelling

Pictured: Community Legal Services' client and storyteller Ronald Lewis.
Credit: Center for American Progress

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Introduction
Communications is about delivering information to people, but it is also about delivering results. In this day and age, storytelling is vital. Storytelling can mean providing someone's story with permission, including aspects of their story for a narrative, or having someone tell his or her own story.

A good story can expose an injustice, help achieve an advocacy goal, or bring attention to an important cause. There are many reasons to share personal stories and do communications work, which includes newsletters, print and other news media, and social media. Messaging along with stories is much more powerful and memorable than using talking points alone, and together stories and substantive information can make powerful change. Moreover, at its best, storytelling empowers the storytellers. They become more involved in making change that will help themselves and others.

There are also potential downsides of storytelling, and pitfalls that you must watch out for. This guide discusses sensible practices for sharing client stories, and gives recommendations so you can achieve policy goals without harm to your clients.

Benefits of Storytelling
People with criminal records can especially benefit from sharing their stories, or having more people with criminal records portrayed positively in the media. Not only do communications opportunities help you further your advocacy goals, but they also provide the storyteller with the opportunity to have their voice heard.

Exposing Injustice
Your clients face injustices every single day, but many people may not be aware of those injustices. Illustrating an injustice with a story can help people understand the issue, and inspire them to take action.

Achieving Advocacy Goals
Lawmakers and other leaders are often persuaded by personal stories. The passage of bills, changes in policies, and new laws can often be influenced by storytelling. Lawmakers will sometimes request stories that they can share with their colleagues, because they know the power of storytelling. By getting your message out there, through the words and story of someone impacted, you can achieve advocacy goals.

Giving People a Chance to be Heard
Many of our clients have had their voices stifled at some point, and speaking with the media or otherwise telling their story is a good way for them to reclaim their voice. They deserve to be listened to, and many welcome the opportunity to speak out.

Humanizing People and Busting Stereotypes
Many of our clients fall victim to stereotyping, but getting their voice out there can combat stereotypes and correct the record on who our clients really are. By sharing their stories, and putting a face on an issue, the storyteller can make change and bust stereotypes, at the same time that he or she is advancing a policy goal.

Provide Client-Centered Information
We all respond well to hearing from people who have been in our situation. Often, your program will be the only good source for information about a certain issue. Consider having storytellers deliver that information, in order to connect with people in your client population.

A Storyteller's Contributions and Rewards
Ronald Lewis had a story of the sort heard by Community Legal Services (CLS) thousands of times. He was convicted of two misdemeanors in 2004. As a result, he suffered repeated, demoralizing rejections from employment. Although he did not offend again and he matured as he became a husband and a father, he could not find a good job to provide for his family.

In December 2014, CLS was looking for a client to speak at an event in Washington, DC, for the release of One Strike and You're Out: How We Can Eliminate Barriers to Economic Security and Mobility for People with Criminal Records, a report written by the Center for American Progress with CLS. Ronald's lawyer asked Ronald to speak at the event, because of the ordinariness of his story and his eloquence in explaining it.

Ronald did not disappoint. Attendees of the event left with Ronald's most memorable quote in mind: "So many doors have been shut in my face I know what wood tastes like."

The release of the CAP report was just the beginning of Ronald's role as a storyteller. For instance, he was featured on PBS Weekend NewsHour; he participated in an event hosted by Philadelphia Eagles player Malcolm Jenkins; and he became a face of the thousands of Pennsylvanians who would be helped by the Clean Slate bill that would expand sealing to people with first-degree misdemeanors, as well as automatically seal many records. Ronald is starring in a video telling the public about Clean Slate.

Ronald had enjoyed his moment in the sun, especially opportunities like rubbing elbows with the NFL players who would soon win the Super Bowl. But he also found that his whole outlook changed as a result of his storytelling. Ronald came to CLS worried only about his own situation. But now he feels part of a bigger effort, to break down barriers for people with criminal records.

Several years ago, Ronald started his own heating and air conditioning business so that he could make his own employment opportunities. He has employed others with criminal records. He mentors young people who have been or who are at risk of making mistakes. He is a key partner in the campaign to support the Clean Slate bill.

Ronald says, "I am really happy that I told my story. It involved me in a cause bigger than myself. I am proud of myself that I have stood up in front of so many people for what is right. My mom sleeps better, knowing what I stand for. My son sees his dad standing for something." He continues, "This cause is the most gratifying that I have ever been involved with. Change is so needed, in Philadelphia and everywhere."

First, Do No Harm: Avoiding Pitfalls

Legal advocates seek to help clients tell their stories to advance a positive goal, such as a policy change or a humanizing goal. But when a client's private story becomes public, there can also be huge downsides for the storyteller, which often cannot be undone. A client's story must NEVER be made public without careful consideration of negative consequences and obtaining informed consent from the client. Failure to do so violates both lawyers' ethical responsibilities and our goal of giving clients the best possible representation.

Consent

All states' lawyer rules of professional responsibility provide that lawyers have a duty of confidentiality to clients for information relating to the representation. Informed client consent must be obtained before confidential information can be shared with anyone.

One consideration is whether or not your client can truly consent to sharing their story. People with intellectual disabilities and people who have experienced significant trauma are just two examples of the types of people who may not be able to consent to communications.

You need to ensure that the storyteller is choosing to share their story, and not feeling coerced. There is a fine line between someone wanting to help, and feeling like he or she owes the legal advocate who is asking about disclosure. Describing the risks and benefits of sharing their story is necessary so that your client is knowingly

consenting to communications. Showing examples of instances where other people shared their stories can also help persuade them, without coercing them. If after that you sense hesitancy or if you aren't sure, it is better to move on to a different storyteller.

In any instance where someone's name and other identifying information will be provided, you should have your client sign a consent form (see example, Appendix A). It's good practice to have them sign a consent form even if you aren't using identifying details in communications coming from your organization, such as a newsletter, social media post, or appeal to donors. It is imperative that you have them sign a consent form if you are passing their information along to the media or another outside source, whether or not their identifying information will be used. The consent form should be simple and understandable by the client, rather than using a technical document meant to provide "cover" for the legal advocate.

Privacy

When doing communications, you must consider the privacy of the storyteller and the privacy of others. If someone could face legal or safety problems or embarrassment as a result of communications work, they are not the right storyteller.

For someone with a criminal record, you should try to ensure that their full name is not used, as using it will make their criminal record information available to the public. This is especially important if they have gone through a criminal record clearing process, such as an expungement. If their full name is in a media article or another communications forum, an internet search of their name may turn the article up, defeating the purpose of record clearing.

Often, reporters will agree to use a pseudonym or only a first name for someone who would face legal problems if identified. You should get such an agreement from a reporter before providing them with the storyteller's full name and contact information. A reporter will likely want the full name to verify the storyteller's identity, even if the full name will not be used in a story. This is a common practice, but if the reporter has agreed not to use the name before you provided it, it is highly unlikely that the storyteller's privacy will be compromised. Reporters want sources that they can work with again, and generally do not jeopardize relationships by breaking agreements with their sources.

You should also be careful about where the interview takes place, particularly if there are cameras or video cameras present. An interview in someone's home with family members present, at a homeless or domestic violence shelter, or at someone's workplace could have unintended consequences. It can be valuable to schedule an interview at a workplace or home to humanize the storyteller and help the audience understand his or her circumstances. But you must ensure that other

people are not interviewed or photographed without their consent. Talk to the storyteller about his or her feelings about being filmed at home or having family members on film.

Identifying information can include the facts of a legal case, the storyteller's living situation, or any identifiers that make him or her unique. These pieces of information go beyond their name and contact information, and should be removed from a story if the storyteller needs to remain completely anonymous. Moreover, harmful consequences can be amplified by social media.

Protecting Your Legal Work

When doing communications, make sure you understand the legal implications for your client. Can they lose their case? Will speaking sharing their story publicly cause them to lose their job, housing, benefits, or custody of their children? Make sure you are seeing the whole picture for your client, and evaluating communications opportunities with their best interests in mind. That isn't to say that all communications can harm your client. Many communications opportunities will not impact your client negatively, and some can actually help your client secure basic necessities or other positive outcomes. That's why it is so important to use your judgment here and be aware of any possible pitfalls when discussing the pros and cons of storytelling with the person.

You must also avoid communications when there is a confidentiality agreement on a case, or, at the very least, be sure to follow the requirements set out in the agreement. A case that is active requires special consideration. You may wish to highlight the work that you are currently doing, which could involve bringing publicity to a case. In this instance, weigh the risks to your client, and assess whether or not doing media work could harm their case. A completed case may be safer to communicate about. In any event, your ethical obligations remain.

You should also be mindful of the reputation and funding of your organization when you do communications work. When done appropriately, communications can raise the profile of your organization and even help you secure or maintain funding for your work. However, it is important to have a communications policy for your organization and follow the guidelines. Risk must be acknowledged and weighed.

How to Tell Stories

Choose the Storyteller

Your first step is to identify and prepare someone for a storytelling opportunity. Your instinct may be to only choose the most "sympathetic" or "deserving" person. They do not have to be perfect. A person who has made mistakes in their life, or one that does not have a perfect living situation, still has a story to tell and can still be a powerful force. You also don't want to unknowingly discriminate against anyone by

rejecting certain characteristics. That said, the storyteller should be relatable to your target audience, and they should be personable if they are working with a reporter.

In addition, you should work to identify a person who can tell the story that needs to be told. Many criminal records narratives focus on themes of redemption, second chances, or building a better future. If you can find someone who can tell one of these stories, or whatever story you think will help your efforts, that is much more powerful than finding a storyteller with a perfect life.

Before you begin to prepare the storyteller for an interview, you should prepare them for the idea of working with the media. If they are not comfortable with the idea, they are not the right person.

Research the Reporter

Before working with a reporter, make sure you have read up on his or her other work. Have they reported on this issue or similar issues before? Is their tone sympathetic to people experiencing poverty, people with criminal records, and other groups that often face stereotypes? If the reporter has not written on these issues, try to find them on social media to see if you can garner a sense of what the reporter is like, and how they could potentially frame a story.

This is especially important to do if a reporter contacts you out of the blue. If you are pitching to a reporter, you have much more control over whom you work with. For more information about what reporters are looking for and how to find a reporter to pitch to, see Appendix B.

Prepare the Storyteller

You absolutely MUST prepare the storyteller for public statements about their situation, especially if media are interviewing him or her. The person should be prepared with the care that would be brought to getting ready for a deposition. Although preparation should be a collaborative process, the legal advocate should think through the most effective talking points before preparation begins. The storyteller should also be prepared on possible negative questions that could arise.

If you are writing the person's story for sharing, you can better control the presentation than if they are going before a legislative body or talking with a reporter. You should have the written narrative reviewed by the client if at all possible.

Even if the storyteller is fully prepared to reveal information, there may be backlash against them in the comment sections of news media websites. Let the person know this ahead of time, and warn them about reading the comments.

Be sure that part of the preparation includes deciding on the location of the presentation.

Even if the storyteller is fully prepared, an advocate should be present to counsel and protect them during the media interview.

Have Your Talking Points Ready

It's important to prepare talking points before an interview or another communications opportunity. You may have an idea of what you want to say, but writing down your talking points is a good way to ensure that an interview doesn't go off course. Writing down your talking points will also help you figure out how to frame a story.

To figure out which ideas you want to get across, first, think about your goals. Are you trying to convince people that a person with a criminal record deserves a second chance? If so, focus on the redemption aspect of their story, and the ways they have moved past their record. Are you trying to tell the story of how difficult it is to live with a criminal record? If so, frame the talking points around the storyteller's struggles to obtain employment, housing, benefits, or educational opportunities. In any case, if you are trying to support a legislative or policy change, be sure that the talking points align with and support the proposed change.

One good way to develop your talking points is to try and figure out which myths and misinformation you are trying to combat. Keep track of media articles and other communications that relate to your issue. Is there polling on the issue? Is there something that reporters commonly get wrong? Are there myths that are perpetuated? If so, you should be writing talking points to combat that misinformation, and to tell a story that hasn't always been highlighted.

Present the Story

After you have selected and prepared the storyteller, and developed talking points around the themes you have decided to focus on, it is time to present the story. Presenting the story can take many forms. It may involve writing a narrative for your own communications vehicles, or it may involve pitching a story to a member of the media.

In the appendices of this guide are tools that you will need to pitch a story to the media, including a client consent form and information about what reporters are looking for. Most importantly, journalists are looking for stories that are timely and significant. To get them interested, connect the story with a bigger trend, current event, or proposed policy change.

To place a story, send a short e-mail to the reporter you have identified. Include a write-up of the story, but get an "off the record" or confidentiality agreement from a

journalist before sharing any information that should not be in print or your storyteller's contact information. After you get an agreement from the journalist, you can share that information and work with them on the story.

Get the Most Out of Your Story
After your story comes out, be sure to promote it far and wide. Share it with policymakers and others who you think need to read it. Ask advocacy partners or others to give it a "signal boost" by sharing it with their networks. Share the story on your social media, newsletter, website, and other communications vehicles.

You should also make sure to keep in touch with the person who shared their story. Make sure they get a copy of any news article or publication where their story appears, and ask them if they had a positive experience. Some storytellers may want to participate in future communications, which can benefit everyone.

Conclusion

Advocates can make powerful change by working with storytellers. Stories are memorable and moving, and are an important advocacy tool. Storytellers can benefit from sharing their stories, as good storytelling empowers the storytellers. However, there are important considerations before providing a story. Consent, privacy, and protecting legal work are especially important when telling the story of someone with a criminal record. You should also develop talking points and be strategic about the narrative in order to ensure success. With these considerations in mind, you can use smart storytelling to further your goals and make a big difference.

Appendix A – Consent form
The following is an example of a consent form to be used with clients. If you are planning to use photography and/or video footage, you should add that to the release.

Authorization for Release of Information

I understand that as a client of ORGANIZATION, I have the right to have the information about my representation and my case kept confidential. However, I have been told that sharing my story with others may help to change the law or public policies or help ORGANIZATION represent others. For those reasons, I agree to permit ORGANIZATION to use my story and state that I am a ORGANIZATION client (check all that apply):

___ With the legislature
___ With the press
___ For ORGANIZATION fund-raising or publicity
___ Other: _____

In identifying me, ORGANIZATION may use (check one):

___ My name
___ My initials
___ No identifying information
___ Other: _____

This authorization will be in effect from the date set forth below until it is withdrawn in writing. If I withdraw the authorization at some point, I understand that whatever already has been communicated cannot be undone.

_____ _____
Name Date

Appendix B
What are journalists looking for?
Prepared by Kate Giammarise of the Pittsburgh Post-Gazette, used with permission

Think of these guidelines, not as firm rules for what makes something newsworthy:

1) Timing
   Is it currently happening/very recently happened?
   We would care about something that happens today more than something that happened last week.

2) Significance
   How many people does this impact?
   The more people who might be impacted by a particular piece of legislation/policy change/lawsuit, the more newsworthy it is.

3) Proximity
   Did it happen in locally in the community that this newspaper covers?
   We are more concerned with news that happened in Pittsburgh (or impacts us in Pittsburgh, such as a bill passed in Harrisburg that would impact us) than in a far-off location or another state

4) Prominence
   Does it involve someone famous?
   We might not write about an altercation in a bar involving two non-famous people. We would likely write about it if one of them plays for the Pittsburgh Steelers

5) Trend
   Is this thing happening more? Likely to be happening more? If so, a reporter might be more interested in writing about it.

6) Is there a "real person" who can put a face on this story?
   Is this person willing to speak to the reporter, and be photographed?

7) Conflict
   This can be in the physical sense of an altercation obviously, but also more broadly things like disagreement over a policy, or piece of legislation

How do I find the right journalist to talk to about my story?
Prepared by Kate Giammarise of the Pittsburgh Post-Gazette, used with permission

When pitching a story, it helps to have some level of familiarity with the publication and what kinds of stories reporters there tend to cover.

Most local newspaper reporters are assigned to a "beat" – they cover stories about a particular topic or local institution, such as police, courts, city hall, county government, politics, etc.

Try to identify what "beat" your story might fall under – Courts? Housing issues? Consumer issues?

If you can't figure it out by reading the paper, just call the City Desk or main newsroom and phone number and ask: "Who is the reporter who covers X topic? And what is the best way to reach them?"

If you are sending them an email or calling, remember to keep it short and simple. Most reporters are pressed for time, and at a smaller newspaper, they might be writing multiple stories in one day.

When sending an email, remember to keep it reasonably short and avoid too legal-y sounding jargon. Avoid generic subject lines, such as "press release." Briefly explain why you think this is a story, and include a phone number where you can be reached if the reporter has follow-up questions.

Even if you don't have a specific story you are pitching at the moment, but think you might in the future, it's good identify potential reporters who might be interested certain types of stories. What reporters cover your local courts? Good reporters are always developing sources and might be willing to meet with you just to chat over coffee about what kinds of stories they are interested in.