Clean Slate Screening Project: A Case Study in Scaling Up Record Clearing & Advocacy

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Agenda

• Clean Slate 101
• Intro to the Clean Slate Screening Project (CSSP)
• How We Tackled 7,000 Cases and Counting
• Building a Pro Bono Army
• Inside a Law Firm Perspective
• Q&A
Clean Slate 101

• Clean Slate is **automated and retroactive** sealing of criminal records via computer queries run by court/law enforcement repositories.
  • In PA, non-convictions, summary convictions, and some misdemeanor convictions can be auto-sealed.

• PA was the first state to pass Clean Slate, followed by Utah, and more to come!

• PA will have automatically sealed over **30 million cases** by June 2020, about ½ of the court’s database.

• But, due to the scale, **people do not get individual notice**.
Clean Slate 101

• **Getting the word out about Clean Slate is mission critical!**
  
  • It’s the only way people know they can apply for jobs, promotions, housing, school, etc. *without worrying* about their records popping up.

• Due to **missing data** in the court system, some people are eligible for automatic relief but do not get it- people need to know this so they can get the data entered or file a petition.

• **Fines and costs** must be paid under our current Clean Slate law- people often don’t know they still owe $ to the court, so must be advised.

• Some people are not eligible for auto-sealing but are eligible for **petition-based sealing** and need to be advised on where they can go for help filing.
The Clean Slate Screening Project (CSSP) is Born!

- Original idea = start a **pro bono project** where volunteer lawyers advise people about whether Clean Slate will help them, and if there are steps they need to take (like paying fines and costs).

- Governor announces CSSP at press conference on January 2\(^{nd}\). By January 3\(^{rd}\), over 3,000 people sign up. Soon, that number is **more than 8,000**.

- CLS and our partners build a **multi-faceted system** for tackling this huge volume, evolving over time.
Overview of CSSP

• **Early on**: CLS partners with the PA & Phila Bar Associations, hosting CLEs training over 500 lawyers who take on cases in exchange for free CLE credits.

• **CLS builds partnerships**: we develop several more involved partnerships, particularly with law firms (including Ken at Dechert!)

• **CLS builds internal capacity**: we hire several new staff members (including Jessa!) to help coordinate and deliver advice.

• **CLS moves toward automated systems** of providing record information and advice, including via our website mycleanslatepa.com.
The CSSP Community & Advocacy

• In addition to delivering individual advice to the original 8,000+ people on our email list, we send email blasts to update people about important changes in the law or relevant topics for people with records.

• Through our website, over 2,000 more people signed up to join our list, bringing our total to **more than 10,000 people**.

• We also work with people on our list to advocate for further reforms:
  • Occupational licensing
  • Expanding to felony sealing
  • Court fines and costs
  • Criminal record restrictions for COVID-19 relief
7,000 cases and counting

Completed
7361 cases
86%

Remaining
1220 cases
14%

Total: 8581 records
How did we get here?

• **Step 1:** Develop Systems & Automate
• **Step 2:** Create Training & Supporting Materials
• **Step 3:** Outreach
• **Step 4:** Volunteer Portal & Management
How did we get here?

**Individual:** person who has signed up via Google Form to have their entire record screened for eligibility for sealing under Clean Slate.

**Analyzer:** attorney (or law student/paralegal with attorney supervision) who screens the individual’s record on a Google Sheet and gives advice to individual.

**Tech:**
- **Google Form:** sign-up sheet which collects individual’s personal information.
- **Google Sheet:** spreadsheet used to complete analysis.
- **G-mail:** auto generate individualized e-mails to individuals.
Step 1: Develop Systems

- **Goal:** Screen an applicant’s criminal record to determine eligibility for sealing under Clean Slate, and advise next steps.
- For efficiency, use categories instead of narratives.
- Bonus: easily sorted applicant data.

| “Fully eligible for CS now!” | Eligible for Sealing (Auto) |
| “Eligible for sealing, partial expungement now.” | |
| “Accept.” | |
| “Not eligible – recent felony convictions.” | Not Eligible – Needs Pardon |
| “Better served by a pardon.” | |
| “Reject – needs pardon info.” | |
Step 1: Develop Systems

• Goal: Within categories, give personalized advice about date of eligibility, fines and costs owed, and referral information.

• Google Forms “conditional formatting” helps obtain necessary information during analysis of criminal records.

http://tiny.cc/CSSP
Step 1: Automate

- (With tech help) use coding to automatically generate e-mails with individualized advice.
- Only use automated e-mail internally, but volunteers have access to templates.

<table>
<thead>
<tr>
<th>Name</th>
<th>E-mail</th>
<th>Analysis</th>
<th>Fees Owed</th>
<th>Month &amp; Year - Future Eligible Only</th>
<th>Referral County</th>
<th>Next Step</th>
</tr>
</thead>
<tbody>
<tr>
<td>John Doe</td>
<td><a href="mailto:john_doe@sio.com">john_doe@sio.com</a></td>
<td>Eligible Later - Disposition Date (Petition)</td>
<td>5.00</td>
<td>December 2024</td>
<td>Erie</td>
<td>Email (Later-Petition)</td>
</tr>
</tbody>
</table>
IMPORTANT: You Owe Court Fees

However, before your record can be sealed, you will need to finish paying off the fines and costs you owe. Our team found that you owe $5 in fines and costs. To request a fee waiver or to make payments, you should contact the courthouse where you were convicted. For some cases, you may also be able to pay online here. These fees must be paid before your record can be sealed. (Due to Covid-19 [Coronavirus] some courts in the Commonwealth have closed. Please call the courthouse first to see if they are open.)

If you are a lower income individual, you may be eligible to receive free legal assistance. You should contact the organization(s) listed below to seek help:

- Northwestern Legal Services: Call (800) 665-6957 M-F from 9-4; online nwis.org.
Step 2: Develop Materials

- Training Course available on YouTube
  - Flowcharts
  - Sample Records
- Volunteer Tool-Kit
  - Step-by-Step Guide (pictures & detailed instructions)
  - Helpful Charts & Guides
  - Template E-mails
  - Referral Guide

**STEP 1: RECEIVE CLIENT REFERRALS**

You will receive your assignments as a Google spreadsheet on the My Assignments page:

![Spreadsheet](image1)

The spreadsheet will include all of the information necessary to locate and analyze each client's record. Columns A – H will be filled in. When analyzing your client's record to determine eligibility, you will complete columns I – N.

**STEP 2: PULL CLIENT’S RECORD**

Pull client’s record from the court website: [https://paidportal.pacourts.us](https://paidportal.pacourts.us).

Please note that court records often get names and dates of birth wrong, or individuals may have used different names at different points in time. If you cannot immediately find the record, try different variations of names or try searching without a birth date. Review court summary first to get an overall view of the record. If the court summary says that the case is “archived,” you will need to open the individual docket to see what happened in that case. (Click here for a helpful video on pulling court records.)

**STEP 3: ANALYZE RECORD**

Refer to your client’s record and the Analysis Flowchart to do an eligibility screening. Then fill in the blank columns with the relevant information as follows:

| Column I: | If any charges on the record are missing a grade or disposition, indicate here. If grade or disposition information is missing, client will either fit into the “likely Eligible – Missing Info” category, or require a personal call or e-mail. |
| Column II: |  |
| Column III: | Use the flowchart, analyze your client’s record. Then, click on the arrow |
| Column IV: |  |

![Analysis Flowchart](image2)
Step 3: Outreach

- Pennsylvania Bar Association (PBA)
- Firm Trainings / CLEs
- Law School Partnerships
- MyCleanSlate Website
- “Dechert Model”

- **Current Active Volunteers:** 40
Step 4: Volunteer Portal

- Log-In to:
  - Sign-up to volunteer
  - View all training materials
  - View all CSSP materials
  - Personalized link to CSSP assignment
  - Ask a question
Building a Pro-Bono Army

- Systematize the process
- Provide **more** instructions than you think you need
- Build up volunteer confidence and knowledge (e.g. triage system)
- Build up base of “super volunteers”
- Focus on what works (e.g. Dechert)
Case Study: Dechert LLP

- We currently have about 40 volunteers, including partners, associates, and paralegals
  - Most are based out of the Philadelphia office
  - Some of our volunteers only handle 1 or 2 cases, but most of our work is done by repeat volunteers who have handled dozens

- We have been helping with this project since April 2019
  - We began the process of establishing a formal pro bono practice group shortly after hearing Jamie speak at a February 2019 CLE regarding the imminent passage of the Clean Slate law
  - The group was an outgrowth of our small pre-existing pro bono practice of filing expungement and sealing petitions in Philadelphia county
Generating interest – internal marketing

• In addition to focusing on the societal benefit and potential for close-to-home impact, we emphasized what we saw as pragmatically attractive elements
  
  ... from the potentially more Dechert-specific:
  
  • Attorneys can count hours spent on Clean Slate work towards their annual billable hour requirement
  • We also have a required annual minimum number of pro bono hours that volunteers would get credit towards

...to the more universal to Clean Slate:

• Individual cases come in fairly discrete increments, so you can commit to a case without potentially getting mired in a 100+ hour project
• Work can be done entirely remotely – no need for trips to court, etc.
Pro-Bono Firm Perspective

Generating interest – internal marketing

• We consolidated multiple substantively related practice areas (screening under Clean Slate, expungement and sealing petition filings, pardons applications, and re-entry court supervision)
  • Each of these would have been too small to constitute a dedicated pro bono practice group on its own
  • Combining them meant we saw cross-pollination of volunteers who might originally have been interested in only a different sub-group

• We also heavily targeted our incoming first-year associate class since they generally had ample time both to attend trainings and to devote to pro bono offerings

• Later on, word of mouth and the pro bono deadline also helped
Future of the Project

• Automatic sealing of currently eligible cases is slated to be completed by June 27, 2020
  • May be extended due to the pandemic, but so far we have already seen automatic sealing widely implemented
  • We will have to revisit our role once this deadline is ultimately reached, though presumably clients will still be interested in knowing whether any remaining record they have can be expunged or sealed by petition

• In the meantime, the COVID-19 pandemic has resulted in a surge of interest
  • Many types of work, pro bono or otherwise, are put on hold as a result of the outbreak, but Clean Slate screening work is uniquely unaffected
QUESTIONS?

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