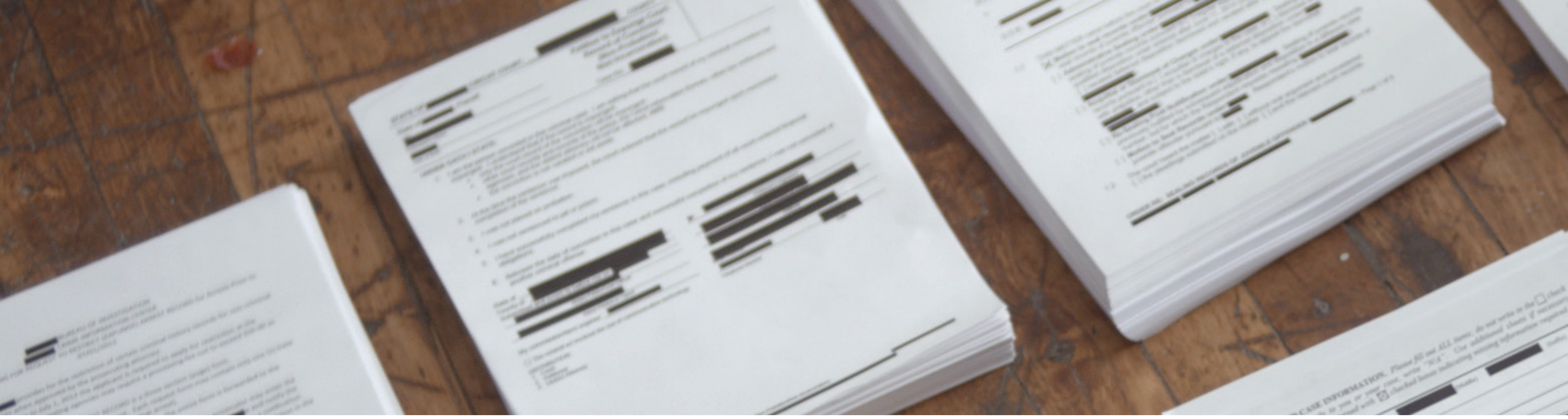
Record Clearance Clinic Playbook

JPMorganChase | BLANKROME



Record Clearance Clinic Playbook

Introduction and Background

One in three working-age adults in the United States – roughly 80 million Americans – have an arrest or conviction record, creating significant barriers to employment, education and housing.[1] The process for record expungement, sealing or pardon can be costly, complex and time consuming, so very few people who are eligible pursue this option. Record clearing clinics can unlock greater economic opportunity in the communities that businesses and law firms serve.

This JPMorganChase (JPMC) & Blank Rome LLP Record Clearance Clinic Playbook, created through JPMC Legal Pro Bono Program, is intended for use by organizations planning a record clearance pro bono clinic with the goals of serving their local community, promoting second chance hiring practices and advancing second chance/clean slate policy reforms.

A record clearance pro bono clinic is an event where volunteer attorneys meet with individuals who have a criminal record to counsel them on their options under their state's legal process for seeking an expungement, sealing or pardon. Since 2021, JPMC's Legal Pro Bono Program has collaborated with various law firms and community legal services organizations to plan and host record clearance clinics in U.S. cities such as Chicago, Columbus, Philadelphia and Wilmington.

In Wilmington and Philadelphia, JPMC's and Blank Rome's pro bono teams have organized several clinics. Drawing on their combined expertise, the two organizations developed this playbook as a resource for any organization aiming to establish their own clinic, regardless of size or scale. While the underlying legal process for individuals seeking record clearance may differ from state to state, this playbook outlines the essential considerations for planning a record clearance pro bono clinic, applicable to any U.S. city and state.

****This playbook should not be construed as legal advice. Each scenario will vary, and you should consult with a qualified attorney for any specific questions regarding your matter.**

JPMorganChase | BLANKROME

Establish a Planning Committee

Identifying the appropriate stakeholders at the outset of the planning process sets the tone for effective collaboration and efficient planning. The lead organization should form a planning committee comprised of key stakeholders. For example, a planning committee may include a mix of corporate partners (in-house legal, if applicable), a local law firm, community legal services organization(s) (legal aid, for example), and government or judicial system partners, if applicable.

A planning committee with representation from a variety of groups can leverage individuals' prior experiences, subject matter expertise and network of contacts. The committee should consider a regular cadence for clinic planning meetings, setting an agenda for each meeting and aligning individuals to various deliverables. It may also be helpful to designate an individual to serve as a lead or project manager. Below is a list of key participants:

In-House Legal Pro Bono Lead(s) and Other In-House Partners

- Identify whether your in-house counsel can assist with the planning process. The in-house attorney(s) can serve as leads or co-leads, leverage connections with law firms and recruit in-house attorney volunteers for the clinic. They may also be helpful in researching and navigating your state's record clearance process and making recommendations as to the most effective model for the clinic.
- Other in-house partners who are aligned with the clinic's goals can serve as an additional resource (program directors who organize events for employees, communications/media relations team, government relations, HR, etc.).

Law Firm Pro Bono Team

- Most law firms have a pro bono department or pro bono lead who is responsible for planning and organizing pro bono events for the law firm's attorneys.
- Law firm pro bono partners may be helpful with the following: (1) connecting your organization to legal services organizations; (2) sourcing additional licensed attorney volunteers; and (3) leveraging experience with prior pro bono clinics to assist with planning of the clinic.

Legal Services Organizations

- Consider partnering with legal services organizations that currently provide counsel to clients as it relates to seeking clean slate, expungement, sealing and/or pardons since they may have a record clearance clinic framework that can be leveraged for your organization's event.
- Legal services organizations are critical participants who understand the community's needs and have a framework for sourcing clients.

Government/Judicial System Partners

- Determine if you should engage any judicial system partners in the planning committee, as some states have unique challenges related to obtaining client records. To the extent that there are any barriers or challenges to accessing records, it is helpful to have judicial system partners on-site at the event with the ability to pull up-to-date records.
- Client records will need to be reviewed to determine record clearance eligibility. Client records can be reviewed for eligibility before or during the clinic. Where possible, reviewing client records in advance of the clinic ensures only eligible individuals attend.

The Roles of Various Participant Organizations

1. **Legal Services Organizations:** Because legal services organizations serve the community, they are a great resource for recruiting and registering clients. They also likely will have training materials for the attorney volunteers and can offer additional services as outlined below:

    - Recruit, register and confirm client appointments. Follow up with clients for intake, vet them for eligibility and assess complexity/nature of client's case.
    - Train volunteer attorneys:
        - Provide attorneys with training in advance of the clinic, the day of or a combination of both.
        - Provide training materials such as handouts for attorneys covering key components of the clinic.
        - Inquire whether the attorneys can earn continuing legal education (CLE) credits by joining the training.
        - Serve as support to volunteers to troubleshoot logistics or address escalated legal questions.
    - Facilitate completion of necessary forms, such as:
        - Photo release waivers for clients.
        - Retainer agreements (between attorney and client).
    - Source and provide additional attorney volunteers (if needed).
    - Check with the organization to see if it can provide malpractice insurance for attorney volunteers.
    - Additionally, if the scope of legal services provided extends beyond the date of the clinic, legal services may continue to handle that client's case to completion (filing of motions, attending hearings, etc.). *Note: In some cases, volunteer attorneys may wish to continue to represent the client beyond the clinic.

2. **Government and Judicial System Partners:** In some states, it may be helpful to leverage government officials to assist with marketing the event. Engaging appropriate state agencies can facilitate access to clients' criminal records as well as facilitate public transportation to the event for volunteers and clients. Also, consider engaging the Chamber of Commerce to promote an employment fair. For large-scale events that may draw a large crowd, you may also engage local law enforcement to request nearby presence as a safety measure. Examples below of organizations with which you may want to connect in advance:

    - State Attorney General's Office
    - Public Defender's Office / Services
    - Criminal Records/Information Services (pull records)

3. **Volunteers:** Attorneys and other legal professional volunteers are necessary to handle day-of event logistics, such as checking clients in, escorting them to their attorney meeting, counseling clients, and assisting with set up and breakdown of the event.

    - Lawyers and other legal professionals – legal pro bono
        - The law firm partner can recruit attorney volunteers who are licensed in the jurisdiction where the clinic will take place.
        - In-house legal pro bono lead can recruit in-house volunteers. To the extent in-house attorneys are not licensed to practice in the jurisdiction where the clinic is scheduled to take place, offer an option for in-house attorneys to partner with licensed attorneys.* Note: Always consult the subject state's professional responsibility rules as it relates to the practice of law.
        - Law students from area law schools may also be keen to volunteer.

- Event staff: Consider volunteer opportunities for other legal professionals or members of your organization and how they can participate.
  - » Assist with set-up/breakdown of event
  - » Handle client check-in/intake
  - » Set up/distribute food and beverage
  - » Escort clients to attorney meetings
- If you are hosting a large-scale Clinic, consider providing volunteer shirts/name tags so attendees can clearly discern who is working the event.

Key Considerations for Planning Committee

The planning committee is responsible for determining the basic elements of the event, such as size, date, location and time. Outlined below are some key considerations related to planning.

1. Clinic Size

- How many clients do you intend on serving through the clinic?
- Number of clients you intend to serve may depend on the number of anticipated attorney volunteers who are licensed to practice in the jurisdiction where the clinic will take place.
- The length of the clinic and the size of the location will also determine how many clients can be served.

2. Location

- Select an event location that is easily accessible by clients and volunteers.
  - » Is the location accessible by public transportation?
  - » Is there parking available (free or paid)?
  - » Is there opportunity to provide transportation or parking vouchers to encourage clients to attend?
- Confirm the location provides adequate technology such as Wi-Fi capability, sufficient power outlets for laptops, printers and copiers.
- Ensure the location can accommodate the intended size of your clinic.
  - » The space should be large enough to ensure privacy for consultations. For example, it is generally recommended to have tables spaced appropriately to ensure clients feel comfortable engaging in meaningful discussions.
  - » Avoid small or cluttered spaces.
  - » Seek out spaces that come furnished with desks, tables, chairs or spaces that can easily accommodate rented tables and chairs.
  - » The space should be able to comfortably hold the estimated number of volunteers, clients and equipment.
  - » Ensure the space is well ventilated and well-lit so attendees are comfortable.
  - » Confirm there is access to restrooms.
- To be authorized to provide counsel to clients, attorneys must be licensed to practice in the jurisdiction where the clinic is to take place.
  - » To the extent in-house lawyers are not licensed to practice in the state where the event will occur, those attorneys should partner with licensed attorney volunteers.
  - » Attorney volunteers may continue to represent the client beyond the day of the clinic, if needed.

    - If there are sufficient volunteers, consider pairing attorneys in teams of two regardless of licensing as it is always helpful to have a partner to confer and discuss client questions and concerns.

3. **Date / Time**

- Generally, a three-month plus planning lead time is recommended for large-scale clinics.
- Client attendance varies due to individuals' work hours, school vacation schedules, etc.
- Avoid planning event during/near any major national holidays or school breaks, such as spring break.
- Consider scheduling event for a minimum of four hours to give clients sufficient opportunity to attend.
- Timing clinics with Second Chance Month (April) serves to raise awareness for various record clearance policy initiatives.
- Scheduling the clinic during a firm's pro bono day or week of service may encourage attorney volunteer involvement.
- Consider whether the attorney/volunteer training component should occur the day of event or in advance. For example, if attorney/volunteer training is to occur on day of the event, that must be incorporated into the schedule and event timeline.
    - If possible, providing a recorded training will allow for attorneys to review training on their own time and ahead of the clinic.
    - If training is held prior to the day of the event, consider holding a brief refresher training the day of the event. This will also allow for volunteers to ask questions of the legal services organization.

4. **Clinic Format**

- In-person clinics may drive meaningful engagement with clients and foster collaboration and networking between organizers and volunteers.
- Depending on the location of the event and accessibility, consider whether the clinic can have a remote component to encourage participation by volunteers and attendance by clients who cannot attend in person.
- Some clinics may lend themselves to a hybrid format.

5. **Technology**

- Consider what kind of technology will be needed on the day of the event.
    - Will legal services and attorney volunteers require access to Wi-Fi, electrical outlets, printers or AV equipment?
    - If so, who will provide the technology or does the location come equipped with these items?
- If extension cords are needed, be mindful that they may present a trip hazard.

6. **Floor Plan**

- Evaluate your location and consider how you will set up the clinic. The event space should be able to accommodate several tables and chairs, including:
    - An intake table to be staffed by individuals who will check-in clients.
    - Client meeting tables/spaces: Consider whether there is enough space for adequate privacy to foster attorney/client discussion.

- » Consider additional tables or spaces for presentations or information sessions to provide clients with additional resources and/or materials. If you have more than one legal services organization participating in the event, those organizations may want to set up information tables to provide counseling, financial assistance, presentations on their services or other materials.
- » Ensure clear signage to direct clients to check-ins, meetings and presentations.

- A small area set up for children of clients that is supplied with some books, toys, or crayons and paper.

7. Food / Beverage

- Consider if budget allows providing food/beverages for volunteers and clients.
- Coordinate with location lead on delivery/pick-up as well as set-up for food/beverages. At a minimum, it is recommended that the organizers provide bottled waters and snacks, such as individually packaged pretzels.

8. Other Components and Target Audience

- In some instances, to drive community engagement, participation and provide clients with holistic services, an organization may consider adding additional components to the record clearance clinic.
    - » Resource Fair – Supportive services providers may provide information and resources to assist clients with other aspects of their lives (ex. food bank, Habitat for Humanity, etc.).
    - » Employment Fair
        - → Partner with local Chamber of Commerce to register second chance employers to participate in the fair.
        - → Clients can meet with potential second chance employers to learn about hiring opportunities and/or the skills required to obtain those roles.
    - » Financial Literacy Courses – local banks/financial institutions or non-profit organizations may be able to provide information on improving financial literacy.
- As your organization sets out to plan a record clearance clinic, it is also worth considering whether there are any other underserved or underrepresented populations in the local community that could benefit from attending a record clearance clinic or whether there's ability to expand the legal services offered on the day of the event to serve the unique needs of the community.
    - » For example, there may be opportunities to provide additional legal resources to help clients overcome past challenges of a sensitive nature and move forward with more options and opportunity.
    - » Consider holding a training for volunteers about working with people who have experienced trauma.
    - » Ensure you seek approvals, if necessary, to expand your organization's branded clinic to additional populations.

Marketing

Once the clinic date, time and location have been determined, it is recommended that the planning committee begin marketing the event to encourage client event registration and attendance. An effective marketing campaign is key to ensuring client turnout.

Flyer Promoting the Clinic

- Design a Flyer to promote the clinic, listing details of:
  - » Date
  - » Time
  - » Location
  - » How to register - consider pre-registration portal that can be accessed with a QR code
  - » Contact for questions
  - » Event sponsors (if any) – seek permission to use partner organization logos/branding
- Engage your firm's marketing or media relations to review and approve the flyer and other promotional materials, as applicable.
- Coordinate for approvals of use of branding, logos and external marketing on various channels.
- Additional considerations:
  - » Leveraging social media, LinkedIn, newsletters, local broadcast channels or radio stations.
  - » Conducting canvassing campaign to market the event.
  - » Engaging with local service providers/charities/faith-based organizations to assist with getting the word out to the community.
- To the extent the clinic includes an employment or resource fair component, consider creating a second flyer for employers/resource organizations. This will facilitate registrations and follow up for participating organizations.

Day-of Action Plan

After the clinic plans have been finalized, the planning committee should outline a day-of action plan that provides a detailed run of show. It is helpful to outline the day based on the start time and end time and list out blocks of time and what is expected to occur during each time block of the clinic. This will ensure everyone stays on track.

Run of Show Example:

- » 9:00am-9:15am: Volunteers arrive and set up event
- » 9:15am-10:00am: Attorney training
- » 10:00am: Clients arrive and opening remarks
- » 10:15am-12:00pm: Attorney-client meetings
- » 12:00pm: Lunch for volunteers
- » 12:30pm-2:30pm: Attorney-client meetings
- » 2:45pm: Closing remarks
- » 3:00pm: Event breakdown/clean-up

After-Action Review

After the clinic is held, it is recommended that the planning committee regroup to document metrics, catalog what worked and determine what should be done differently for future clinics.

1. Solicit feedback from partner organizations and volunteers.
2. Other questions to consider in the after-action review:

    - How may clients were expected to attend or had registered for the event? How many actually attended? What could have contributed to low turnout, if that was the case?
    - Of the clients who did attend, how many were eligible for record clearance?
    - Is there any way to better serve justice-impacted individuals in the community?
    - Were there any day-of issues related to transportation, parking or general event logistics?
    - What are the lessons learned and what could be done more effectively or differently in the future?

Additional Resources

Record clearance clinics are impactful and can reach many individuals who otherwise would not have access to the resources or legal counsel to aid them in the record clearance process. By working to remove barriers to employment, these events provide justice-impacted individuals with hope and a renewed sense of purpose. They serve as a valuable and meaningful experience for pro bono attorneys and other volunteers. Below are some additional resources and information related to second chance objectives.

- Second Chance Business Coalition
- The Clean Slate Initiative
- JPMorganChase Second Chance Agenda

Endnotes

1 JPMorganChase, Giving People with Criminal Backgrounds a Chance to Participate in the Economy: Advancing Inclusive Growth and Opportunity https://www.jpmorganchase.com/content/dam/jpmc/jpmorgan-chase-and-co/documents/jpmc-policycenter-overview-v1-ada.pdf