

N C D B W

**National
Clearinghouse for the
Defense of Battered Women**

Working for Justice for Battered Women Charged with Crimes

WHEN VICTIMS OF BATTERING REENTER THEIR COMMUNITIES AFTER JAIL OR PRISON:

A Compilation of Resources for Addressing Civil Legal Issues

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Overview

People returning to their communities after being in jail or prison face innumerable challenges and barriers, including a large range and number of civil legal issues. Getting help to properly address these civil legal and quasi-legal barriers can significantly increase an individual's opportunities to successfully reintegrate back into their community.

Reentering people often need assistance with such issues as securing safe affordable housing, finding employment, applying for benefits, and paying off numerous fines and arrears. For reentering victims of battering, failure to get these needs met often creates increased risks to themselves and/or their children. For example, when a victim of battering is required by the conditions of her release to return to a community where her abusive partner (or partner's family) lives, she may face physical violence or be forced into situations that make it difficult or impossible for her to fulfill her probation or parole requirements.

Access to civil legal assistance can go a long way in helping reentering individuals, including those with histories of intimate partner violence, to more smoothly and successfully reintegrate into their communities. For reentering victims of battering, their civil legal needs that are directly related to their experiences of battering may be few (e.g., filing for a protection order), but if other needs related to a stable life go unmet they may be even more at risk. It is important for those working with reentering victims to understand the vulnerabilities that victims of battering may face as a result of their prior and possibly current victimization.

AUDIENCE: CIVIL AND CRIMINAL DEFENSE ATTORNEYS

We have compiled these resources primarily to assist civil attorneys working with and/or representing returning victims of battering to help them address the myriad civil legal issues victims face when reentering to their communities. Additionally, since in many jurisdictions criminal defense attorneys also represent clients in some types of civil and quasi-criminal cases, this compilation is also for them.

Since the civil legal issues and quasi-criminal issues sometimes overlap with the underlying criminal case, collaborations between civil and criminal defense attorneys often can enhance outcomes in these civil cases. Since these partnerships are so critical, we have included some resources that specifically address these collaborations.

WHEN THERE IS NO ATTORNEY AVAILABLE

When there is no attorney to represent or give legal advice to the returning individual, we also hope that this compilation can be an informative reference for community-based advocates working with reentering survivors. Additionally, some resources in this compilation are written directly for reentering individuals and include practical guidance for addressing some of these legal obstacles. It is our hope that advocates and other practitioners will use such self-advocacy materials to inform their own practice and share them with the reentering people they are assisting.

A NOTE ON LANGUAGE

Labels can often stigmatize people and create barriers between those using the labels and those being labeled. Some of the resources included in this listing use the term "women offenders" for women returning home from jails and prisons. It is not a term we use at the National Clearinghouse. Many incarcerated and formerly incarcerated women have objected to that term.

We believe it is critical that individuals not be defined by their crime/alleged crime. Instead, we use terms such as “reentering woman” or “person returning from jail/prison” or “formerly incarcerated woman.”

In this resource listing we changed words like “offender” or “inmate” when they did not appear in a specific title and when omitting them did not affect the integrity of the document being described.

If you know of additional online resources that should be added to this list, please contact the National Clearinghouse. We would also like to know if you find errors or changes in any of the web addresses. Thank you in advance for using and helping to enhance this material.

Introduction

When gathering the resources for this compilation, we tried to find items that specifically addressed reentry-related civil and quasi-criminal legal issues for reentering victims of battering. We could not find any. Consequently, the resources included here are about legal barriers that could apply to any returning person, including a reentering survivor.

To identify how civil legal barriers may uniquely impact a survivors' life, it is important to understand how she may be distinctly vulnerable because of her history and/or current experiences of abuse. It is important for attorneys to listen to and realize each survivor's struggles (as well as her strengths), her legal issues, and how the survivor's safety may be further threatened or compromised because of her history or current experience of battering. If the attorney does not already have knowledge and/or understanding of domestic violence and trauma, one way to gain that understanding is to work in collaboration with anti-domestic violence programs and advocates. A community-based anti-domestic violence advocate can enhance an attorney's understanding of intimate partner violence and the ways a history of battering can impact the legal needs of his or her client. Building solid relationships with anti-domestic violence advocates can also give reentering survivors additional support and complement the legal work and education that attorneys provide to survivors.

When working with reentering people — including reentering victims of battering — it's best to have a holistic approach. This approach encompasses a willingness to fully explore a person's experiences of being incarcerated, separated from her support networks and, when relevant, the experience of being battered and its impact on her current situation. While some of what reentering people need assistance with requires an attorney, much of what they need help with does not. Attorneys working with reentering survivors may find themselves doing work that is beyond what is squarely defined as "legal work." We know that attorneys performing activities that may not be specifically legal in nature is not unique to attorneys working with reentering people. In the reentry arena, there are multitudes of ways in which an attorney can provide needed support that do not involve direct representation. However, the expertise, presence, and support of an attorney can make a significant difference in successfully securing the assistance reentering people need. For example, an attorney who is skilled at synthesizing information, negotiating, writing, problem solving, and developing collaborative relationships can assist reentering people with a range of issues.

Holistic, comprehensive reentry work with victims of battering often includes collaboration among and between civil attorneys, criminal attorneys, community-based service providers (e.g., anti-domestic violence organizations, treatment centers serving formerly incarcerated women, etc.), and system-based practitioners (e.g., probation and parole officers, jail and prison personnel). It is important to find opportunities to meet and get to know who these key people are in the local community. Learning about what other key people do (and don't do), as well as about their organizational culture (e.g., the language they use, their beliefs and principles), can be invaluable. Investing time in building these relationships, developing trust and creating strong (or stronger) professional connections can go a long way in benefiting reentering people in their communities.

Civil Legal and Quasi-Legal Reentry Issues

In this section, we first list some of the common reentry-related legal topic areas to help practitioners begin to identify and discuss potential legal needs with the reentering women they are working with. Where possible, we also note how victims of battering might be differently impacted or made vulnerable if their legal and/or quasi-legal issue goes unresolved. Also included are some examples of potential ways where an attorney, and sometimes advocates, can help minimize some of these legal or quasi-legal barriers that returning women experience. At the end of this section, we discuss the importance of obtaining a reentering person's criminal record, as well as highlight the practice of informational groups in jails and prisons as a way to give those who are still incarcerated better information to prepare for their reentry.



Common Legal Reentry Issues, Impacts on Survivors, and Potential Areas for Legal Assistance

Below is an alphabetical list of common areas in which legal issues may arise for a reentering person, requiring help from a civil or, in some instances, a criminal defense attorney. Although the legal issues listed are obstacles that apply to most returning individuals, we included some examples of how these may potentially impact returning victims of battering, as well as examples of how a practitioner can help address these issues. Attorneys may take one or more of the actions listed on behalf of a reentering person and may be working on multiple legal reentry issues at a time.

Benefits (Government Benefits)

Individuals returning from prison or jail may find that they must complete paperwork to reinstate benefits they had prior to incarceration or newly apply for benefits when they are released, having lost them while incarcerated. Many returning battered women may be barred from receiving benefits altogether based on what they were convicted of — including charges that may have resulted from their experiences of battering, such as drug or assault charges.

Examples of what an attorney might do:

- Advise clients who are denied health benefits/medical coverage whether there are protections under state or federal law where she may find relief.
- If a client is not barred from receiving benefits based on her conviction, discuss the denial of TANF welfare benefits with the client and advise on legal remedies.
- Assist clients in obtaining “continuing coverage” pending appeal or in locating community organizations that might offer support for medical needs.
- Review returning clients’ denials of SSI/SSDI benefits and if the denial was based on her criminal justice involvement (e.g., injury occurred during incident or while incarcerated, etc.), evaluate with the client the merits of appealing a denied claim, weighing the pros and cons of moving forward with litigation.
- Connect the client to any community organizations (e.g., food banks, free clinics) that might be able to assist her with filling some of her needs, if she has no legal recourse.

Child Support

Many reentering individuals may have not filed to change the amount of child support they are able to pay to reflect the fact that they are incarcerated. If unpaid, the amount of child support owed only accrues. This debt can be detrimental to someone with limited income becoming financially stable if the amounts owed are daunting and ever increasing.

Examples of what an attorney might do:

- Assist a client with stopping or reducing child support payments through filing a modification of support payments.
- Represent a client on cases involving significant monetary amounts in child support arrears.

Court Costs and Debt

Many returning individuals, including survivors of abuse, face overwhelming court costs and fees that they are required to pay. A judge may determine that unpaid court fees are a violation of a court order, which may lead to incarceration. Having this kind of debt can prevent reentering individuals from clearing up their records through expungement and the pardon process.

Examples of what an attorney might do:

- Assist a client with consolidating court costs and, if possible, negotiate for a lower debt amount to be owed.
- Assist a client in filing for bankruptcy to discharge the debt.
- If court finds a client in contempt of a court order for non-payment of court costs and fines, negotiate a payment plan or other alternative to incarceration.
- Connect a client with community organizations or agencies that might assist with financial planning.
- Ask a survivor if she would like to be connected to an anti-domestic violence advocate who can, in some cases, provide financial education to help establish a survivor's economic independence.

Custody

Despite having possibly — and most likely — been the primary caretaker of her children, reunification with children after incarceration can be particularly challenging for a battered mother whose abusive partner or his family has physical custody of the children. There may have been little contact between her and her children during her incarceration for multiple reasons, including her abusive partner's or other guardian's refusal or unwillingness to bring her children to the institution, her family's inability to afford bringing the children to her, and her own feelings of shame at being incarcerated.

Examples of what an attorney might do:

- Represent client on child custody modification orders.
- Represent client on dependency cases.
- Advise on maintaining relationships with children while still in custody.
- Connect the client to supports for reuniting with her children (e.g., community-based organizations that have programs focused on reunification).

Divorce

People coming back to the community may decide to file for divorce or may be served with petitions for divorce. For survivors, this means litigating against her batterer, someone who has a history of exerting power and control over her. Whether he is pro se or with counsel, a divorce proceeding may be hard to manage. Without representation and with the compounded factors of a criminal history and experience of being battered, she may not know how to effectively present her case.

Examples of what an attorney might do:

- Represent the client filing for spousal support.
- Represent the client filing for divorce.

Education

For many of those reentering, pursuing higher education can be one way to reduce recidivism by enhancing an individual's qualifications and increasing the likelihood of participating in future employment or other opportunities. Some schools ask questions about a criminal history or conduct background checks.

Examples of what an attorney might do:

- Assist in resolving school application and enrollment issues with the administration.
- Represent the client on wrongful denials of federal and state financial aid (e.g., eligibility for grant, loan, or work assistance).

Employment

Without an income, a survivor has little chance to establish economic independence and may end up relying on an abusive partner's income, making it more possible for the abusive partner to take advantage of her economic vulnerability.

Examples of what an attorney might do:

- Advise a client on how to fill out a job application and answer job interview questions that refer to criminal convictions. Help her anticipate what may be asked by employers, discuss the pros and cons of disclosing past abuse if related to her conviction, and suggest ways of framing relevant information.
- Assist a victim of battering to get or keep her occupational licenses when her conviction is a barrier to working in a profession requiring licensure. Discuss with a client whether there is a purpose to presenting her history of abuse (as related to her conviction) to the licensing board, and evaluate with her the pros and cons of doing so.
- Explore if a termination or suspension from employment was wrongful. Discuss with the client if it was related to her criminal conviction and/or history or current experience of abuse. If so, advise her on legal avenues, if any.

Expungement

Depending on state and federal law, a returning citizen may be eligible to apply for an expungement, whereby the records of a prior conviction are sealed or destroyed or made no longer available for review. Expunging records can help alleviate some barriers in areas where disclosing a record may be required. However, in many jurisdictions, previously expunged records may still be available for

limited purposes. For example, expunged records may be become available if the person has a subsequent conviction (e.g., for sentencing purposes).

Examples of what an attorney might do:

- Help determine if a particular conviction is expungable.
- Assist in completing expungement application and explain, if granted, what it means to have an expunged record in that jurisdiction.
- Connect a returning survivor with other local legal resources that assist with expungement (e.g., public defenders, nonprofit organizations, etc.).
- Inform a returning survivor of other potential state relief (e.g., New York's Certificate of Relief from Disabilities).

Housing

Without safe affordable housing, a victim of battering can be forced either through threats or necessity to live with an abusive partner. This can present a number of risks, as living with her batterer may increase her exposure to violence and danger, violate her conditions of parole/probation, and position her abusive partner to use the threat of informing her supervising officer as a means to control her. If they do not live together but her batterer knows where she lives, comes to her home, and causes problems, she may face eviction.

Examples of what an attorney might do:

- Assist a client with landlord negotiations and/or review leases for a new living situation, particularly if she is running into barriers because of her criminal conviction.
- Review a client's eviction from Section 8 or other housing. When eviction is related to her current history of abuse or conviction, discuss with client what relief is available, if any.
- When a survivor is still incarcerated, and is in immediate need of a housing plan prior to release, contact the local anti-domestic violence program on a client's behalf to see if they offer housing to reentering women (assuming her probation/parole officer finds the program an acceptable place for her to live). If so, find out whether there is available space for her.

Identification and Driver's Licenses

Returning individuals without any official state identification may face barriers to obtaining a job, obtaining housing, receiving public benefits, or other necessities when proof of identity is required or requested. Having a suspended license can also create barriers for returning individuals who may need transportation to either a job or to programs they are required to complete for their probation and/or parole. For survivors, in addition to these needs, an abusive partner may try to sabotage a survivor by not driving her to her required appointments, thereby creating a risk that she will be in non-compliance with her conditions of release.

Examples of what an attorney might do:

- Assist client on acquiring state ID and/or driver's license.
- If working with someone still incarcerated and who will be released soon, determine if she can begin to apply for a driver's license/non-driver's photo ID before getting released. Bring paperwork for her to fill out at the jail (if allowed).
- Represent client at hearing for getting her suspended driving privileges restored.
- Connect client with a local anti-domestic program that might offer transportation to court and/or appointments.

- Explore if the agencies/organizations where she has requirements to complete offer transportation options.

Immigration

A reentering victim of battering may still have the possibility of having some immigration relief. She may not know if she qualifies for lawful immigration status, however. If she is on probation, her abusive partner may continue to use her undocumented status as a tool to control her by threatening to call her probation officer, the police, or immigration authorities and get her removed.

Examples of what an attorney might do:

- Represent client on filing for U-Visas and T-Visas.
- Connect defense counsel to immigration resources.

Pardon Application

If granted a pardon, one is considered “forgiven” of the crime for which they were convicted, and the punishment associated with the sentence is lifted. That can immediately eliminate some of the burdens that an individual may have (e.g., serving probation or parole). Unlike an expungement, a pardon does not clear a conviction from one’s record, and will still appear to anyone who searches an individual’s criminal history. Convictions that are pardoned must also be disclosed in situations where information about one’s past criminal history is required. Generally, pardons are very rarely granted and the process for applying for a pardon is defined by state laws (granted by the Governor) or federal law (granted by the President).

Examples of what an attorney might do:

- Connect women with other attorneys who have experience with the local pardon process to advise her on the political landscape and/or the likelihood of her case being granted a pardon.
- Connect a survivor with other local organizations that might assist her with writing a more successful pardon application.

Parole and Probation Violations

Some conditions imposed by a sentence may be particularly problematic for victims of battering who have on-going trauma or risk from an abusive partner. If parole or probation conditions prohibit certain conduct, she may be violated if she engages in the prohibited conduct. For example, survivors may use drugs or alcohol as a soothing coping strategy from the effects of their abuse and may test positive when giving a drug test, which may be in violation of her conditions. Or, a battered victim escaping violent abuse with urgency may be unable to wait to get permission from her probation or parole officer and violate a condition by leaving the jurisdiction.

Examples of what an attorney might do:

- Review probation/parole conditions and advise on any appropriate civil remedies to modify conditions (e.g., relocation petition).
- Connect the woman back to her defense attorney to file for modification of probation, change of parole/probation jurisdiction, and for representation and advice on (potential) violations.
- If there is an allegation of a technical violation, negotiate with her probation or parole officer to find alternatives to resolving violating conditions in lieu of filing for a probation or parole revocation hearing.

Protection from Abuse Orders

Sometimes a victim of battering is required, due to the conditions of release or probation, to return to the community where her abusive partner and/or family live. The returning woman may have received threats by her batterer or through his family, and may be in danger. She may want to file a petition for a protection from abuse order.

Examples of what an attorney might do:

- Ask client if she is interested in working with an anti-domestic violence advocate who can do safety planning with her, whether she decides to file the petition for protection or not.
- Discuss what, if any, are the implications to her conditions of release, probation and/or parole of filing a petition for a protection order.
- Discuss the content of her petition and of including past and current incidents, particularly if the petition will include the incident for which she was charged and/or convicted.

Restoration of Civic Rights

Some civic rights might be impacted due to a criminal conviction. Some of these prohibitions are not automatically restored after a sentence is served. The process of applying for restoration of certain rights varies from state to state and often requires an application to the state clemency or parole board.

Examples of what an attorney might do:

- Advise on prohibition and restoring voting rights.
- Advise on prohibition and restoring jury service rights.
- Advise on prohibition and restoring right to hold public office.

Warrants (Resolving Outstanding Warrants)

Some reentering people might have current warrants for various kinds of cases. Though some may be from recent court actions, it is not unusual that one has outstanding warrants issued even prior to incarceration. Whether old or new, these warrants need to be addressed for a reentering person to be able to move forward.

Examples of what an attorney might do:

- Resolve outstanding warrants issued from probation violations.
- Resolve outstanding warrants issued from accruing court and other debt arrears.
- Resolve outstanding warrants from accruing child support arrears.
- Resolve outstanding warrants from other criminal and/or quasi-criminal cases.

Other

The barriers that a reentering person can encounter as a result of a criminal conviction may be common, like those outlined above, or may be unique. Some barriers can be resolved simply, while others take more time to fully resolve.

Example of what an attorney might do:

- Formally or informally build a network of other civil attorneys and/or advocates that might be able to support clients who might need additional support with legal or quasi-legal needs.

Obtaining a Client's Criminal Record

When working with a client with a criminal history, no matter what her legal or quasi-legal barriers are, her options and strategies to alleviate any given barrier will depend on what is on her criminal record. That means the first step to take when advocating on behalf of a returning individual is to get a copy of her criminal record. Knowing what is on someone's criminal record is essential to effective representation.

Assisting and empowering a client with the knowledge of where and how to obtain her own criminal record is crucial as well, not only for attorneys, but also for advocates and other practitioners.

Criminal record information can be found through a number of different sources. In some jurisdictions, court records are easily accessible by searching through the state or county clerk of court's website. When available online from these court sites, records can often be searched by the person's name, date of birth, county, and/or case/docket number. This might be the easiest way to obtain this kind of record because sometimes there is often no charge to access the information. An important caution, however, is to be aware that there are times when dockets and online records are not updated or are not accurate.

Depending on the state, a person can request his or her criminal record information from the state law enforcement agency, such as a state attorney general's office, or the state bureau of criminal investigation. Often, this information can be requested only by the person herself or her legal representative.

There are many private companies, called "credit reporting agencies" (CRAs) that buy and sell bulk data about arrest/conviction records from local/state court agencies and use it to create criminal background reports. The reports that CRAs compile often include incomplete or incorrect data, placing an additional burden on those with a prior criminal record to reach out to these agencies to fix the incorrect data.

A person can also request her Criminal History Record (CHR), also known as "Identity History Summary," from the Federal Bureau of Investigation (FBI). After completing the application process and submitting a fee, anyone who has been arrested and/or convicted in the United States should be able to get this information from the FBI by requesting it on her own behalf or having a legal representative request it for her.¹

Frequently, criminal records contain factual errors that can be contested and cleared of inaccuracies. Also, not uncommonly, a person may be unaware of what's on her criminal record or she may be wrong about what is on her record. Getting a copy of the record and confirming that what is actually on the record is true is necessary before evaluating whether anything can be done to alleviate the barriers a reentering survivor might be experiencing.

¹ Use the following link to FBI information about requesting a background check: <https://www.fbi.gov/services/cjis/identity-history-summary-checks>

Use of Informational Groups

For reentering survivors to succeed, they often need considerable assistance and support, including assistance with their civil legal matters. This assistance can mean the difference between a woman “making it” on the outside or being further victimized and/or ending up back in jail or prison. Often, there are very few pro bono or affordable attorneys available to represent survivors on these civil and quasi-criminal matters. In some communities, there are none. As a result, a number of law school clinics and other legal advocacy programs run informational groups to provide legal information to groups of people inside jails and prisons, as well as to those recently released. The goals of these groups are to provide information, educate the participants about their options, and to raise awareness and support self-efficacy.

Practitioners conducting informational groups typically do not provide direct representation or give case-specific legal advice. As such, these informational sessions can be presented not only by attorneys, but also by law students who are supervised by an attorney, or even by community-based anti-domestic violence advocates. Although sometimes offered only once a month or periodically as needed, informational groups offered at jails and prisons can help jumpstart a person’s reentry process. The content of informational sessions also varies; they can easily be tailored to reflect the needs of the women inside a particular institution. Common topics for groups include custody and child reunification, public benefits, and court costs and debt/arrears.

A session about custody might include information about the rights of incarcerated parents, where to find information about one’s children if in state custody, how to reunite with her kids once the woman returns to her community, and what that court process might entail. Also, information sessions might include “tips” on what the survivor can do while still incarcerated to help strengthen the transition and reunification with her children when she returns (e.g., sending cards and correspondence to her child, sending even small amounts of financial support). If allowed by the jail or prison, the session facilitator can bring blank forms relevant to her needs. This can be particularly helpful if there is something that incarcerated women can complete and submit while inside that will help make her reentry smoother.

Ideally, those conducting informational group sessions will already be connected to or aware of other community organizations that are willing to work with incarcerated and reentering survivors. Some of these community organizations (e.g., domestic violence organizations, substance recovery providers) may already go into the facility and hold their own group and/or informational sessions. If these connections exist, these programs can work in tandem and refer women to each other depending on the woman’s needs, such as emotional support and counseling as a survivor or legal assistance.

Recently released survivors can also benefit from informational/educational sessions. In some communities, attorneys and law students have partnered with community providers to hold informational sessions at various kinds of organizations (e.g., out- and in-patient treatment centers, transitional housing facilities) for women who are in transition back to the community. Although not a replacement for legal representation or legal advice, informational groups are one way to get much needed information to incarcerated and reentering survivors.

Resources

This compilation includes a large number of resources for practitioners. The section begins with a general overview of legal collateral consequences, and is followed by various discreet reentry topics that highlight more substantive detail into the respective topic issue. This list is not exhaustive, but we tried to identify some key resources when beginning to look into legal reentry issues.

NOTE: *The materials in each section are listed in order of the most recent publication date first (i.e., in reverse chronological order). Within each year, materials are listed alphabetically by title.*

General Overview of Reentering Collateral Consequences

COLLATERAL CONSEQUENCES OF CRIMINAL CONVICTIONS IN KENTUCKY

Commonwealth of Kentucky Department of Public Advocacy (2013)

Excerpt: “The impact of a criminal conviction is greater than a number of days in prison or a number of dollars fined. Hundreds of federal, state, and local laws impose additional consequences on people convicted of crimes, many of which remain in effect far beyond any judicially-imposed sentence. Unlike incarceration and fines, however, these additional consequences are frequently unknown at the time of the criminal prosecution to attorneys, judges, and the individuals whose lives are so profoundly affected by them. The goal of this publication is to provide information about how a criminal conviction may affect the life of an accused person. The publication summarizes consequences that arise under Kentucky law and federal law, yet are not included in the sentence imposed by a judge in a criminal case. The scope of these consequences demonstrates the major impacts on the affected individuals, and indirectly, upon their communities.”

http://dpa.ky.gov/Public_Defender_Resources/Documents/CollateralConsequencesManualFINAL051513.pdf

A STUDY BY THE LEGAL ACTION CENTER AFTER PRISON: ROADBLOCKS TO REENTRY A REPORT ON STATE LEGAL BARRIERS FACING PEOPLE WITH CRIMINAL RECORDS 2009 UPDATE

Legal Action Center (2009)

This resource gives practitioners a brief overview of laws and policies impacting reentry across various communities.

Excerpt: “We have now re-graded the states and ranked them to reflect their progression or regression in improving opportunities for people with criminal histories to successfully reintegrate into society to become productive, law-abiding individuals. Our new study found significant improvements in some federal laws and in many state laws in several categories. Twenty-eight states passed new laws or amended policies in the areas we studied (some enacted more than one), and well over half of those (twenty) improved their laws or policies to remove roadblocks to reentry, thereby supporting the reintegration of people with criminal histories into the community. However, other states changed laws or policies that created new roadblocks for reentry.”

<http://www.lac.org/roadblocks-to-reentry/upload/lacreport/Roadblocks-to-Reentry--2009.pdf>

AN INTEGRATED PERSPECTIVE ON THE COLLATERAL CONSEQUENCES OF CRIMINAL CONVICTIONS AND REENTRY ISSUES FACED BY FORMERLY INCARCERATED INDIVIDUALS

Michael Pinard (2006)

Abstract: “This article examines the emergent focus on the collateral consequences of criminal convictions and the reentry of formerly incarcerated individuals. Specifically, the article details the

ways in which legal scholars, policy analysts, elected officials, legal services organizations and community based organizations have begun to address these components of the criminal justice system. The article argues that these various groups have compartmentalized collateral consequences and reentry by focusing almost exclusively on one component to the exclusion of the other. In doing so, they have narrowed the lens through which to view these components, and have therefore missed opportunities to develop integrated perspectives that accurately reflect the scope of the interconnected issues that flow from these components. These constrained perspectives have, in turn, influenced the ways in which practitioners, trial and appellate courts, and legislatures have addressed these issues in their respective contexts. After offering a couple of reasons for these constrained perspectives, the article proposes that these constituencies adopt an integrated perspective of collateral consequences and reentry. The article analogizes this integrated perspective to the holistic movement that has flourished in criminal defense and civil legal services circles over the past couple of decades. The article concludes by offering numerous benefits of adopting an integrative perspective, but also raises other difficult legal and logistical questions embedded in the integrative perspective.”

<http://www.bu.edu/law/central/jd/organizations/journals/bulr/volume86n3/documents/PINARDv2.pdf>

RELIEF FROM THE COLLATERAL CONSEQUENCES OF A CRIMINAL CONVICTION: A STATE-BY-STATE RESOURCE GUIDE

Margaret Colgate Love for the Sentencing Project (2005)

This resource guide describes consequences for each state, for the federal system, and contains an executive summary with general information applicable nation-wide. It reviews state and federal laws and practices regarding restoration of rights following a criminal conviction. The website is interactive and designed to be updated as needed.

<http://blogs.law.columbia.edu/4cs/files/2008/11/statebystaterelieffromcccc.pdf>

AFTER PRISON: ROADBLOCKS TO REENTRY – A REPORT ON STATE LEGAL BARRIERS FACING PEOPLE WITH CRIMINAL RECORDS

Legal Action Center (2004)

Excerpt: “This report summarizes the findings of an exhaustive two-year study by the Legal Action Center (LAC) of the legal obstacles that people with criminal records face when they attempt to reenter society and become productive, law-abiding individuals. Our research found that people with criminal records seeking reentry face a daunting array of counterproductive, debilitating and unreasonable roadblocks in almost every important aspect of life.”

http://www.lac.org/roadblocks-to-reentry/upload/lacreport/LAC_PrintReport.pdf

BARRIERS TO REENTRY: LEGAL STRATEGIES TO REDUCE RECIDIVISM AND PROMOTE THE SUCCESS OF EX-OFFENDERS

Miriam J. Aukerman (2003)

Excerpt: “Because there are so many potential civil consequences to a criminal conviction, this article can only provide an overview of a few of the most serious issues [justice-involved individuals] face in the areas of employment, family law, and housing. The article also discusses some of the existing legal strategies that counsel can adopt to minimize the civil consequences of criminal convictions, and then considers what the bar, courts, and policy makers can do to reduce recidivism and encourage reintegration of [justice-involved people].”

http://www.capwayne.org/2006/handouts/2006-09-15_05_barriers.pdf

Family Issues for Returning Individuals

INCARCERATED PARENTS MANUAL: YOUR LEGAL RIGHTS AND RESPONSIBILITIES

Legal Services for Prisoners with Children (2007)

Overview of California law and legal options for incarcerated parents.

<http://www.prisonerswithchildren.org/pubs/ipm.pdf>

EVERY DOOR CLOSED: BARRIERS FACING PARENTS WITH CRIMINAL RECORDS

CLASP (Center for Law and Social Policy) and Community Legal Services (2002)

Excerpt: “The report upon which this summary is based examines some of the barriers that, singly and in combination, tear families apart, create unemployment and homelessness, and guarantee failure, thereby harming parents and children, families, and communities. An individual experiencing any one of these problems is likely to find that it dominates his or her life. But a [formerly justice-involved person] might well confront several of these issues simultaneously. Sometimes these problems exacerbate each other. For instance, a parent who cannot find stable housing is unlikely to find or keep employment or reunify his or her family. A [person with justice-involvement] without income because of ineligibility for public benefits and lack of employment is unlikely to find stable housing. Cumulatively, these civil consequences of a criminal record can be devastating and will continue to punish a [formerly justice-involved individual] — and his or her family — long after his or her formal sentence has been served.”

http://www.clasp.org/admin/site/publications/files/every_door_closed_sum.pdf

EVERY DOOR CLOSED: BARRIERS FACING PARENTS WITH CRIMINAL RECORDS FACT SHEETS

CLASP (Center for Law and Social Policy) and Community Legal Services (2002)

Abstract: “Each year, approximately 400,000 mothers and fathers finish serving prison or jail sentences and return home eager to rebuild their families and their lives. As these parents struggle to make a fresh start, they encounter many legal barriers that will make it very difficult for them to successfully care for their children, find work, get safe housing, go to school, access public benefits, or even, for immigrants, stay in the same country as their children. This new set of 8 two-page fact sheets, a joint project of CLASP and Community Legal Services, Inc., of Philadelphia, details the scope of the challenges these families face and offers solutions for federal, state, and local policymakers.”

http://www.clasp.org/admin/site/publications_archive/files/0139.pdf

Employment Issues for Returning Individuals

UNLICENSED & UNTAPPED: REMOVING BARRIERS TO STATE OCCUPATIONAL LICENSES FOR PEOPLE WITH RECORDS

Michelle Natividad Rodriguez and Beth Avery (2016)

Excerpt: “Thousands of these restrictions vary widely among states and professions and are often poorly calibrated to advance public safety and health. The irrationality of these conviction record restrictions and their impact on individual families and the economy have spurred a multitude of voices — from the Center for American Progress to Koch Industries — to call for reform. With the aim of allowing people with records to be evaluated on their merits, this paper examines significant flaws in state occupational licensing criminal background check requirements and provides recommendations to increase job opportunities for people with records.”

<http://www.nelp.org/content/uploads/Unlicensed-Untapped-Removing-Barriers-State-Occupational-Licenses.pdf>

HOW TO ADDRESS ARRESTS OR CONVICTIONS WHEN SEEKING EMPLOYMENT

Student Legal Services at the University of Illinois at Urbana-Champaign (2015)

Pamphlet designed to assist individuals with criminal histories seeking employment. Contains advice about job seeking and responding to application and interview questions.

<http://www.odos.illinois.edu/sls/brochureAds/downloads/How2AddressArrests-2015.pdf>

A HIGHER HURDLE: BARRIERS TO EMPLOYMENT FOR FORMERLY INCARCERATED WOMEN

Monique W. Morris, Michael Sumner, and Jessica Z. Borja (2008)

Excerpt: “This report finds that a criminal record tends to serve as a barrier to employment for women. These realities can potentially impact their ability to successfully reenter their home communities, reunite with and care for their children, and act as viable participants in society. A criminal record adds an additional hurdle to employment for women and increases their vulnerability to discrimination. Research from this study may impact legislation and policies addressing education and professional training, processes to seal and expunge records, employment disparities, employer discrimination, and increased use of unnecessary or inappropriate background screening techniques.”

<http://digitalcommons.law.ggu.edu/cgi/viewcontent.cgi?article=1001&context=werc>

ANSWERING QUESTIONS FROM EMPLOYERS ABOUT CRIMINAL RECORDS OR ARRESTS

Legal Momentum (2005)

Excerpt: “It is not unusual for victims of domestic violence, sexual assault, or stalking to have been arrested for or convicted of crimes related to the violence. Additionally, proceedings related to protective orders can sometimes appear on criminal background checks, even if the protective order was issued on your behalf against your abuser or the perpetrator of an assault. When you are looking for a job, you may be asked about your arrest record or your criminal record. This guide answers some common questions about laws that can protect you against discrimination and afford you privacy.”

<https://www.legalmomentum.org/sites/default/files/reports/answeringcrquestions.pdf>

Housing Issues for Returning Individuals

AN AFFORDABLE HOME ON RE-ENTRY: FEDERALLY ASSISTED HOUSING AND PREVIOUSLY INCARCERATED INDIVIDUALS

Catherine Bishop (2009)

Excerpt: “Since 1975, federal regulations have instructed Public Housing Authorities (PHAs) to consider the criminal history of applicants for public housing. As a result, most PHAs have adopted broad screening policies that call for the rejection of applicants with unfavorable criminal histories. This Guide is designed for advocates working with or representing individuals with a criminal record who are seeking access to federally-assisted housing programs. The Guide describes the current state of the law . . . as it relates to individuals with criminal records who have also been incarcerated; the barriers these individuals face as they seek housing; the process by which to challenge a denial; and suggestions as to how local advocates who are working with or representing individuals with criminal records may begin to change local policies and practices.”

<http://nhlp.org/files/01%20Re-entry%20zip%207.09.zip>

TAKING STOCK: HOUSING, HOMELESSNESS, AND PRISONER REENTRY

Caterina Gouvis Roman and Jeremy Travis (2004)

Excerpt: “The report is the culmination and synthesis of three tasks designed to inform the state of knowledge around housing, homelessness, and prisoner reentry: (1) a descriptive report on the barriers and challenges facing returning prisoners, as well as potential opportunities for serving or supporting the housing-related needs of returning prisoners, (2) a scan of promising housing and other housing-related service programs for returning prisoners and [formerly justice-involved individuals], and (3) a roundtable discussion by experts in the field held in Washington, D.C., on October 30, 2003.”

<http://www.urban.org/sites/default/files/alfresco/publication-pdfs/411096-Taking-Stock.PDF>

NO PLACE LIKE HOME: HOUSING AND THE EX-PRISONER

Katharine H. Bradley, R.B. Michael Oliver, Noel C. Richardson, Elspeth M. Slayter (2001)

This resource gives practitioners working with reentering an overview of various housing programs available and strategies to implement better practices in their community.

Excerpt: “For the returning prisoner, the search for permanent, sustainable housing is more than simply a disagreeable experience. It is a daunting challenge — one that portends success or failure for the entire reintegration process. . . . In the end, all roads lead to the same conclusion: successful reentry equals an increase in public safety. Housing is the cornerstone of reentry: the indispensable and fundamental basis upon which ex-prisoners begin to build new lives. Housing programs that target this group or include them in existing efforts do a great service to the population-at-large in securing and enhancing public safety.”

http://b3cdn.net/crjustice/a5b5d8fa98ed957505_hqm6b5qp2.pdf

Public Benefits for Returning Individuals

SOME DAYS ARE HARDER THAN HARD: WELFARE REFORM AND WOMEN WITH DRUG CONVICTIONS IN PENNSYLVANIA

Amy Hirsch, Center for Law and Social Policy (1999)

Written for practitioners who are working with reentering women with drug convictions, this overview outlines of some of the barriers these women face.

Excerpt: “A small but vulnerable group of women in recovery from drug addiction are facing an additional obstacle in their efforts to move forward with their lives. They are trying to stay clean, to rebuild relationships with their children and families, to recover from sexual and physical abuse, and to get the skills they will need to find and keep a job. Yet they are banned from ever receiving cash assistance or food stamps, no matter what they do or how hard they try, because they have felony drug convictions. . . . Federal law allows states to opt-out of the ban, but requires them to pass legislation in order to do so. Because Pennsylvania’s legislature has not considered this issue since the federal legislation was enacted, the ban is in effect. Approximately 1100 women in Pennsylvania are convicted each year, adding to the cumulative total of affected women.”

<http://www.clasp.org/admin/site/publications/files/0167.pdf>

Medical Benefits and Health Issues for Returning Individuals

FINDING THE KEY TO SUCCESSFUL TRANSITION FROM JAIL OR PRISON TO THE COMMUNITY: AN EXPLANATION OF FEDERAL MEDICAID AND DISABILITY PROGRAM RULES FOR PEOPLE WITH SERIOUS MENTAL ILLNESSES

Bazelon Center for Mental Health Law (2009)

Excerpt: “The resulting poverty and lack of access to health care can lead to incidents that greatly increase the likelihood that these individuals will have further contact with law enforcement. Without income support or health coverage, many people with severe mental illnesses become caught in a cycle of recidivism. This paper describes the federal entitlements — income support through the Supplemental Security Income (SSI) and Social Security Disability Insurance (SSDI) programs, and health coverage under Medicaid and Medicare, which together can enable someone with a severe mental illness to transition successfully from jail or prison to community life. In it we also suggest ways for states, localities and advocates to improve the situation.”

<http://www.bazelon.org/LinkClick.aspx?fileticket=Bd6LW9BVRhQ%3d&tabid=104>

Fines, Fees, and other Debt Legal issues for Returning Individuals

SENTENCED TO A LIFE OF CRIMINAL DEBT: A BARRIER TO REENTRY AND CLIMBING OUT OF POVERTY

Rebecca Vallas and Roopa Patel (2012)

Excerpt: “In a disturbing nationwide trend, states are increasingly shifting the onus of revenue generation for their courts and criminal justice systems to those accused or convicted of crimes. Several recent reports surveying this phenomenon have found that, across the board, states are imposing more — and more costly — criminal justice-related debts on individuals arrested or sentenced for crimes and in most cases without regard for individuals’ ability to pay. These debts have the effect of extending criminal sentences long past their intended duration, as well as hobbling [formerly justice-involved peoples’] chances at successful reentry and rehabilitation, and transforming punishment from a temporary experience to a long-term, even lifelong status. Subject to extraordinary collection rules, criminal debts are typically excluded from consumer protections and can stand in the way of criminal record expungements and pardons, receiving public benefits, housing, employment, and access to credit. In sum, these debts present a significant obstacle to reentry for millions of individuals seeking to move on with their lives. Here we (1) discuss the nature and rise of criminal justice-related debts; (2) discuss their relevance to the civil legal services community, including their numerous and severe collateral consequences; (3) give examples of successful and ongoing advocacy in several states; and (4) encourage collaboration between civil and criminal advocates for further policy improvements.”

http://povertylaw.org/sites/default/files/files/webinars/criminaldebt/chr_vallas.pdf

CRIMINAL JUSTICE DEBT: A BARRIER TO REENTRY

Alicia Bannon, Mitali Nagrecha, Rebekah Diller (2010)

Excerpt: “Many states are imposing new and often onerous ‘user fees’ on individuals with criminal convictions. Yet far from being easy money, these fees impose severe — and often hidden — costs on communities, taxpayers, and indigent people convicted of crimes. They create new paths to prison for those unable to pay their debts and make it harder to find employment and housing as well to meet child support obligations. This report examines practices in the fifteen states with the highest prison populations, which together account for more than 60 percent of all state criminal filings. We focused primarily on the proliferation of ‘user fees,’ financial obligations imposed not for any traditional criminal justice purpose such as punishment, deterrence, or rehabilitation but rather to fund tight state budgets.”

Education Issues for Returning Individuals

BOXED OUT: CRIMINAL HISTORY SCREENING AND COLLEGE APPLICATION ATTRITION

Alan Rosenthal, Emily NaPier, Patricia Warth, and Marsha Weissman (2015)

Abstract: "This report builds upon CCA's 2010 study, 'The Use of Criminal History Records in College Admissions Reconsidered.' It makes clear how the criminal history box on college applications and the supplemental requirements and procedures that follow create barriers to higher education for otherwise qualified applicants. We focused on the State University of New York (SUNY), and found that almost two out of every three applicants who disclosed a felony conviction were denied access to higher education, not because of purposeful denial of their application but because they were driven out of the application process by the stigmatizing questions and the 'gauntlet' of additional requirements. We call this phenomenon 'felony application attrition.' This case study of SUNY has national implications. The supplemental procedures and requirements imposed by SUNY campuses are not unique, and reflect procedures followed by many colleges and universities across the county."

http://communityalternatives.org/pdf/publications/BoxedOut_FullReport.pdf

HIGHER EDUCATION AND REENTRY: THE GIFTS THEY BRING

Prisoner Reentry Institute of John Jay College of Criminal Justice (2013)

Abstract: "The report highlights the journeys of these students and considers a number of important questions: What does it take for people with criminal justice histories to successfully transform the trajectory of their lives? What are the obstacles they face? What affirmative steps can be taken to make public and private colleges and universities more welcoming to this growing population of students? To supplement *Higher Education and Reentry: The Gifts They Bring*, three of the research assistants who contributed to the study also wrote white papers examining higher education and reentry. These papers provide additional context and further insights to obstacles that individuals with criminal records face when pursuing higher education."

<http://johnjayresearch.org/pri/files/2013/11/Higher-Education-in-Reentry.pdf>

[White paper: Checking the Box: Enduring the Stigma of Applying to Graduate School Post-Incarceration](http://johnjayresearch.org/pri/files/2013/11/Checking-the-Box1.pdf)

<http://johnjayresearch.org/pri/files/2013/11/Checking-the-Box1.pdf>

[White paper: What Information Travels After Release?](http://johnjayresearch.org/pri/files/2013/11/Desheen-formatted.pdf)

<http://johnjayresearch.org/pri/files/2013/11/Desheen-formatted.pdf>

CRIMINAL HISTORY SCREENING IN COLLEGE ADMISSIONS: A GUIDE FOR ATTORNEYS REPRESENTING COLLEGE APPLICANTS AND STUDENTS DURING AND AFTER CRIMINAL PROCEEDINGS

Center for Community Alternatives (2013)

Written primarily for defense attorneys, this guide offers strategies to ensure that their clients can still pursue higher education. This tool offers concrete examples to illustrate barriers that come up for prospective students with criminal histories and how to address some of the common issues that arise. Though some of the guide is New York specific, much of the advocacy suggestions are applicable to jurisdictions outside of New York.

<http://www.communityalternatives.org/pdf/publications/Criminal-History-Screening-in-College-Admissions-AttorneyGuide-CCA-1-2013.pdf>

THE USE OF CRIMINAL HISTORY RECORDS IN COLLEGE ADMISSIONS RECONSIDERED

Center for Community Alternatives (2010)

Excerpt: "This report reviews findings from a first-of-its-kind survey conducted by the Center for Community Alternatives in collaboration with the American Association of Collegiate Registrars and Admissions Officers (AACRAO) that explores the use of criminal history screening in college admissions procedures. A 59-question survey was administered electronically between September 30 and October 29, 2009 through AACRAO's network of 3,248 member institutions in the United States. In all, 273 institutions responded to the survey. The survey helped inform the recommendations contained in this report."

<http://www.communityalternatives.org/pdf/Reconsidered-criminal-hist-recs-in-college-admissions.pdf>

CLOSING THE DOORS TO HIGHER EDUCATION: ANOTHER COLLATERAL CONSEQUENCE OF A CRIMINAL CONVICTION

Center for Community Alternatives Inc. and the National H.I.R.E. Network (2008)

Excerpt: "This working paper discusses various aspects of the growing practice of the use of criminal history background checks in the college admission practice. We first consider the data on crime on campus which shows that colleges remain remarkably safe places particularly when compared to the larger community. We review the available, albeit limited data that suggests that crime on campus is more likely to be committed by students without criminal records than students with prior records. The paper reports the results of surveys conducted by the Center for Community Alternatives and the National HIRE Network that show the lack of standards within states, including state university systems, and across states as to whether or not to screen for a criminal history, and how use information gathered through background checks is used. Finally, we raise concerns that because racial disparities figure prominently in our criminal justice system, the practice of excluding college applicants who have criminal histories will inevitably impact prospective students of color more than their white counterparts."

<http://www.communityalternatives.org/pdf/HigherEd.pdf>

Immigration Issues for Returning Individuals

OVERVIEW OF IMMIGRATION CONSEQUENCE OF CRIMINAL CONDUCT FOR IMMIGRANT SURVIVORS OF DOMESTIC VIOLENCE

Ann Benson (2004)

Excerpt: "The following information is designed to help attorneys and advocates working with immigrant victims of domestic violence, sexual assault and trafficking who, due to dual arrest or other factors, have been arrested or have become defendants in criminal prosecutions or have obtained criminal convictions. Immigration victims who otherwise qualify for immigration relief under the Violence Against Women Act (VAWA). . . can be cut off from access to the protection offered by these forms of immigration relief if they are arrested, plead guilty or are otherwise convicted of a crime. For this reason it is important that advocates, attorneys and justice system personnel working with immigrant victims have a basic understanding of the immigration consequences of criminal conduct and convictions for immigrant victims of violence against women."

<http://library.niwap.org/wp-content/uploads/2015/IMM-Tkit-ImmConsequencesCriminalConduct-09.04.pdf>

Restoration of Voting Rights for Returning Individuals

RESTORING VOTING RIGHTS (WEBPAGE)

Brennan Center for Justice

The Brennan Center works nationwide to restore the vote to people with criminal convictions.

<https://www.brennancenter.org/issues/restoring-voting-rights>

Practice Guides

This section includes practice guides written for attorneys guides, which though sometimes specifically directed at either a civil or criminal attorney, can be used as a reference for either audience. Some of them are state specific, but can be helpful to a practitioner to issue spot areas of legal representation on behalf of a client. Following the attorney guides, we included practice guides for advocates working with returning woman as well as guides written directly to the woman. [Note: not surprisingly, we did not find many resources written specifically for advocates, since practicing law and giving legal advice would be outside of the role of the advocate. However, as we indicated earlier, where no legal representation or assistance is available, all the practice guides included could potentially be helpful references for an advocate when relaying information resources to a woman who will not have legal counsel.]

NOTE: *The materials in each section are listed in order of the most recent publication date first (i.e., in reverse chronological order). Within each year, materials are listed alphabetically by title.*

Practice Guides for Attorneys for Collateral Consequence Legal Issues

COLLATERAL DAMAGE: AMERICA'S FAILURE TO FORGIVE OR FORGET IN THE WAR ON CRIME — A ROADMAP TO RESTORE RIGHTS AND STATUS AFTER ARREST OR CONVICTION

National Association of Criminal Defense Lawyers (2014)

Excerpt: “We are pleased to introduce this important report, which provides a blueprint for people with a criminal record to regain their full rights and privileges. We commend the National Association of Criminal Defense Lawyers for undertaking this exhaustive study of the legal and social barriers that persist long after a person has successfully completed the court-imposed sentence. It demonstrates that the stigma of conviction can be permanent even when the collateral penalties imposed by law are not. We are both pleased to have had the opportunity to share our perspectives on these issues with the Task Force at hearings in Chicago and Washington, D.C. While our political perspectives may differ, and both of us may not agree with every recommendation in this comprehensive report, we share a belief that more can be done to enable individuals with a criminal record to earn their way to a fresh start.”

http://thf_media.s3.amazonaws.com/2014/pdf/Collateral%20Damage%20FINAL%20Report.pdf

LEGAL AID INTERAGENCY ROUNDTABLE TOOLKIT

White House Domestic Policy Council and the U.S. Department of Justice (2014)

Excerpt: “The Legal Aid Interagency Roundtable ‘Toolkit’ is an online tool designed to provide a roadmap to the ways in which legal services can enhance Federal strategies for serving vulnerable and underserved populations. The Toolkit is divided into three sections:

Civil Legal Aid 101. In this section you will find information on what civil legal aid is, whom civil legal aid serves, and some of the common barriers to accessing civil legal aid.

Supporting Federal Efforts. In this section you will find civil legal aid ‘case studies:’ descriptions of common challenges faced by vulnerable populations, examples of Federal responses to these challenges, along with concrete examples of the ways in which civil legal aid meaningfully supports Federal agencies’ efforts.

Select Federal Agency Resources. In this section you will find a list by agency of selected grants and program activities for which civil legal aid providers are an eligible grantee, sub-grantee or partner, along with other examples of Federal Government activities that engage civil legal aid.”

http://www.justice.gov/atj/legalaid/LAIR_toolkit.pdf

LOCKED OUT: A TEXAS LEGAL GUIDE TO REENTRY

Texas RioGrande Legal Aid and Texas C-BAR (Community Building with Attorney Resources) (2012)

Excerpt: “This Guide is intended to assist advocates and others who help people experiencing the often difficult transition from incarceration to mainstream society. It summarizes a few of the most burdensome legal obstacles caused by a criminal record and provides guidance on how to effectively manage these barriers to reentry. The resources referenced in this Guide are publicly available and can be accessed from any public library that offers internet service.”

<http://www.texascjc.org/sites/default/files/uploads/TRLA%20REENTRY%20GUIDE%202012.pdf>

INTERNAL EXILE: COLLATERAL CONSEQUENCES OF CONVICTION IN FEDERAL LAWS AND REGULATIONS

American Bar Association Commission on Effective Criminal Sanctions and the Public Defender Service for the District of Columbia (2009)

Excerpt: “This study collects and describes the collateral consequences of a criminal conviction that arise under federal statutes and regulations . . . it is an outgrowth of . . . work on the effect of a criminal record on the availability of a wide range of benefits and opportunities, which in turn determines a person’s likely ability to rebuild his or her life after a criminal conviction. . . .We hope that it will serve as a useful tool for criminal justice practitioners . . . for persons seeking information about the legal rights and responsibilities of people who have a conviction record; and for advocates, legislators, and policymakers in determining which collateral consequences are reasonable and appropriate responses to public safety concerns, and which are not and what can or should be done to avoid or mitigate them.”

https://www.prisonlegalnews.org/media/publications/internal_exile_collateral_consequences_of_conviction_american_bar_assoc_2009.pdf

THE CONSEQUENCES OF CRIMINAL PROCEEDINGS IN NEW YORK STATE: A GUIDE FOR CRIMINAL DEFENSE ATTORNEYS AND OTHER ADVOCATES FOR PERSONS WITH CRIMINAL RECORDS

The Bronx Defenders (2007)

Abstract: “This Guide was developed in conjunction with an intensive training offered by the Civil Action Project at The Bronx Defenders. It is a comprehensive survey of the invisible punishments resulting from criminal proceedings in New York State, and it offers practical advice and strategies for mitigating these “collateral” consequences. It focuses in particular on the role of defenders.”

<http://blogs.law.columbia.edu/4cs/files/2008/11/consequences-of-criminal-proceedings-in-nys.pdf>

A PRACTITIONER’S GUIDE TO COLLATERAL CONSEQUENCES OF CONVICTION

Christine Tramantano (2006)

Excerpt: “This practitioner’s guide will outline several of the most serious collateral sanctions affecting a large segment of the individuals convicted of criminal offenses. Chapter 2 discusses the effects that a [justice-involved individual’s] criminal convictions or criminal activity may have on public housing, including project-based and Section 8 government-subsidized housing, and also private housing. Chapter 3 outlines the various offenses, convictions of which affect access to welfare and other public benefits. Chapter 4 explains the extent of limitations on employment because of criminal convictions, and advises of impermissible employment discrimination practices. Chapter 5 deals with a subject that is closely related to limited access to employment opportunities — licensing restrictions on [formerly justice-involved people], including driver and occupational

licensing. Chapter 6 reviews arguably the most stigmatizing of the collateral consequences — sex offender registration.”

http://www.nyls.edu/documents/justice-action-center/student_capstone_journal/capstone050603.pdf

BEYOND THE CONVICTION: WHAT DEFENSE ATTORNEYS IN WASHINGTON STATE NEED TO KNOW ABOUT COLLATERAL AND OTHER NON-CONFINEMENT CONSEQUENCES OF CRIMINAL CONVICTIONS

Kim Ambrose for the Washington Defender Association (2005)

Provides information targeted to defense attorneys in Washington State about collateral consequences, including those related to employment, housing, public benefits, family issues, and more.

<http://www.reentry.net/search/item.121666->

[Beyond the Conviction What Defense Attorneys in Washington State Need to Know?tab=pane_search-results-1](http://www.reentry.net/search/item.121666-Beyond%20the%20Conviction%20What%20Defense%20Attorneys%20in%20Washington%20State%20Need%20to%20Kn?tab=pane_search-results-1)

COLLATERAL CONSEQUENCES OF CRIMINAL CONVICTIONS IN THE DISTRICT OF COLUMBIA: A GUIDE FOR CRIMINAL DEFENSE LAWYERS

Community Re-entry Program of the Public Defender Service for the District of Columbia (2004)

Written for criminal defense attorneys in the District of Columbia, this guide covers a range of legal issues that may impact one with a criminal record. Topics include immigration, housing, civil forfeiture, employment, and custody. The guide outlines relevant statute in the District of Columbia for each subject. It can also be used by practitioners in other jurisdictions to identify some legal issues when working with returning individuals.

[http://www.reentry.net/search/item.121665Collateral Consequences of Criminal Convictions in the District of Columbia?tab=pane_search-results-1](http://www.reentry.net/search/item.121665Collateral%20Consequences%20of%20Criminal%20Convictions%20in%20the%20District%20of%20Columbia?tab=pane_search-results-1)

FEDERAL STATUTES IMPOSING COLLATERAL CONSEQUENCES UPON CONVICTION

United States Department of Justice, Office of the Pardon Attorney (2000)

Excerpt: “This monograph highlights significant collateral consequences that are imposed by federal law upon conviction of a felony offense. It is provided for informational purposes only, as an aid to further inquiry. The views expressed in the monograph on questions of federal or state law do not necessarily represent the official position of the Department of Justice. The Office of the Pardon Attorney does not have operational responsibility for the interpretation or enforcement of the statutes cited in the monograph. Readers should therefore consult with the appropriate agency with operational responsibility for administering the statutory provision of interest for authoritative and more complete information. In addition, the research for the preparation of the monograph was completed by the early fall of 2000. Because laws are revised frequently, readers are cautioned that the information in this monograph may be out of date and that they should consult with the appropriate agency for more current information.”

http://www.justice.gov/pardon/collateral_consequences.pdf

Practice Guides for Survivors and Advocates Working with Reentering Women

CRIMINAL RECORDS & EMPLOYMENT RIGHTS: A TOOL FOR ADVOCATES WORKING WITH DOMESTIC VIOLENCE SURVIVORS

Erika Sussman (2013)

Abstract: “Many survivors of domestic violence find themselves with criminal records. Oftentimes this is due to coerced criminal acts, experienced at the hands of their partner. Sometimes, this is a

result of a misguided criminal justice system response to their partner's abuse (for example, a dual arrest). Whatever the reason, survivors who have a criminal record face enormous challenges in accessing employment and economic security. If you are an advocate working with a survivor who has a criminal record and is seeking employment, this tool may be helpful to you. The following information is designed to help you to 1) better understand the employment rights of survivors who have criminal records and 2) offer tips and resources to survivors as they prepare for the job application and interview process, attend job interviews, and respond to a decision by a prospective employer."

<http://www.csaj.org/document-library/EmptRightsCriminalRecordsAdvocateTool.pdf>

SELF-HELP LEGAL MANUAL FOR INCARCERATED SURVIVORS OF DOMESTIC VIOLENCE, SEXUAL VIOLENCE AND STALKING

Ohio Domestic Violence Network, Ohio Poverty Law Center, and Ohio Alliance to End Sexual Violence (2013)

Although an Ohio-specific resource, this manual gives some helpful ways to identify legal issues relevant to incarcerated survivor of domestic violence.

Excerpt: "This manual does not provide legal advice, and is not a substitute for legal advice. It provides legal information, but only your own attorney can give you specific legal advice that accounts for all the facts and circumstances in your individual case. The information contained here is current as of July, 2013. This manual includes many websites that may be helpful to you, although we know that you may not have access to the internet while you are in prison. We include them here so that if someone on the outside is helping you, you can share these websites with them to ask them to look things up for you."

[http://www.odvn.org/Uploads/Documents/Self%20Help%20Legal%20Manual%20Final%20Nov%202013%20\(1\).pdf](http://www.odvn.org/Uploads/Documents/Self%20Help%20Legal%20Manual%20Final%20Nov%202013%20(1).pdf)

EASING RE-ENTRY FOR WOMEN IN PHILADELPHIA: CIVIL LEGAL NEEDS

Women's Law Project (2013)

This Philadelphia-specific guide offers a framework for a smoother transition to returning women.

Abstract: "The Women's Law Project is pleased to announce the publication of two new booklets to help Philadelphia women re-entering society from incarceration with their many legal needs.

Easing Re-entry for Women in Philadelphia: Civil Legal Needs contains two parts, each in its own booklet. Part 1: General Re-entry provides information and resources on topics such as Health Care, Housing, Employment, Public Benefits (Cash, Food, and Medical), Money, and Utilities. Part 2: Family Law provides information on child custody, DHS custody, child support, domestic violence, and divorce. These self-help booklets are intended to provide general legal information and are not meant to be used as legal advice."

Civil Legal Needs Part 1: General Reentry

<http://www.womenslawproject.org/resources/Easing%20Reentry%20for%20Women%20in%20Philadelphia%20Part%201%20General%20Reentry.pdf>

Civil Legal Needs Part 2: Family Law

<http://www.womenslawproject.org/resources/Easing%20Reentry%20for%20Women%20in%20Philadelphia%20Part%202%20Family%20Law.pdf>

BEST PRACTICE TOOLKIT FOR WORKING WITH DOMESTIC VIOLENCE SURVIVORS WITH CRIMINAL HISTORIES

Sheryl Kubiak, Cris M. Sullivan, Lauren Fries, Nkiru Nnawulezi, and Gina Fedock Michigan Coalition Against Domestic and Sexual Violence (MCADSV) (2011)

Excerpt: “The MCADSV Open Doors Project is a national demonstration project that aims to identify and address the many barriers that incarcerated and formerly incarcerated domestic and sexual assault survivors face in obtaining advocacy and support from domestic violence and sexual assault programs. An important capacity-building goal of the Open Doors Project is to enhance the community collaboration between domestic violence/sexual assault advocates, community service providers and those working in the criminal justice and corrections systems. . . . A primary goal of this toolkit is to provide information and referral sources to assist both criminal legal and domestic violence professionals in overcoming barriers to effectively working with domestic violence survivors charged with crimes.”

<http://www.mcadsv.org/projects/Toolkit/Files/Best Practice Toolkit Entire Document.pdf>

MY SISTER'S KEEPER: A BOOK FOR WOMEN RETURNING HOME FROM PRISON OR JAIL

Coalition for Women Prisoners (2008)

A book for women returning home from prison or jail, written by formerly incarcerated women. Although specific to women in New York State, it provides a model for women in other states.

<http://www.correctionalassociation.org/wp-content/uploads/2012/05/MySistersKeeper Re-EntryGuide.pdf>

Practice Guides for Reentering Individuals

CLEANING UP CRIMINAL RECORDS: EXPUNGEMENT

Michigan Reentry Law wiki (Last updated 2015)

Although this resource is Michigan-specific, it may be useful to other practitioners in other jurisdictions to identify some of the legal barriers facing their clients. This webpage includes information about expungements in Michigan shared through a collaborative effort by people involved in reentry in Michigan to provide relevant, current information on legal issues facing people with criminal records.

<http://reentry.mplp.org/reentry/index.php/Cleaning Up Criminal Records: Expungement>

LEGAL AID/PRO BONO RESOURCE GUIDE (WEBPAGE)

National Center for State Courts (NCSC) (2013)

Abstract: “While legal professionals understand the necessity for all people, despite their financial situations, to have access to legal assistance, the demand for free legal services often outweighs availability. Many states have reduced this gap by developing innovative programs, such as requiring attorneys to do pro bono work or to provide low bono, pre-paid and unbundled legal services, but the limited number of attorneys actually volunteering their services makes it a difficult feat to overcome. Links to related online resources are listed below. Non-digitized publications may be borrowed from the NCSC Library; call numbers are provided.”

<http://www.ncsc.org/Topics/Legal-Services/Legal-Aid-Pro-Bono/Resource-Guide.aspx>

LEGAL AID REENTRY PROJECTS FOR PEOPLE WITH CRIMINAL RECORDS AND OTHER SIGNIFICANT BARRIERS TO EMPLOYMENT

Cheryl Nolan (2013)

Excerpt: "This chart identifies both Legal Services Corporation (LSC) and non-LSC funded legal aid programs that recently reported offering reentry-related legal services. The list is not meant to be comprehensive. There may be other active reentry legal services projects, and other local legal aid and pro bono programs or projects willing to develop a reentry pro bono program and/or partner with other reentry social service providers interested in collaborating on federal reentry grant applications."

http://www.americanbar.org/content/dam/aba/administrative/probono_public_service/lsc_reentry_projects.authcheckdam.pdf

REENTRY BEGINS WITH YOU: REENTRY SKILLS BUILDING HANDBOOK

Georgia Department of Corrections and State Board of Pardons and Paroles (2014)

This Georgia-specific resource might also be useful to practitioners in other states.

Excerpt: "Remember that planning for your release needs to start immediately, not just a week before you are scheduled to leave. Reentry starts on your first day of incarceration and everything you do during your incarceration should be focused on increasing your knowledge and abilities for your pending release. As you begin this, you first need to take an inventory of issues you may face when you return to the community. These issues are known as Barriers. The areas listed below can interfere with your success in establishing a stable life once you are released. Use the checklist below to help determine which areas may be a current or potential problem for you. When you have completed this exercise, look at these identified areas and start developing a plan to address them. This will help you decide what you need to do now to assist in your transition to life on the outside. Dealing with these issues now, before release, may also help make them less overwhelming."

<https://pap.georgia.gov/sites/pap.georgia.gov/files/Reentry/2014%20Reentry%20Skills%20Building%20Handbook%20English%20Final%20Draft.pdf>

A NEW START: A RE-ENTRY GUIDE FOR TEXAS KEY INFORMATION FOR SUCCESSFUL REINTEGRATION

Texas Criminal Justice Coalition (2010)

This Texas-specific guide may also be helpful to other practitioners in other jurisdictions to identify legal issues and strategies for their reentering clients.

Excerpt: "The resources and information contained in this guide are primarily intended for people re-entering society following a period of incarceration. The information is not inclusive and should be viewed as a starting point for engaging with community groups. . . . This guide is not intended to be the only information that people will need or use once they are released from prison or jail. In fact, it should be used as a starting point to begin a successful re-entry experience back into the community. Each chapter covers a general subject area associated with re-entry. Please use the resources at the end of each chapter to continue researching specific topics."

[http://www.texascjc.org/sites/default/files/uploads/A%20New%20Start%20-%20Reentry%20Guide%20for%20TX%20\(July%202010\).pdf](http://www.texascjc.org/sites/default/files/uploads/A%20New%20Start%20-%20Reentry%20Guide%20for%20TX%20(July%202010).pdf)

INCARCERATED PARENTS MANUAL: YOUR LEGAL RIGHTS AND RESPONSIBILITIES

Legal Services for Prisoners with Children (2010)

Excerpt: "If you are a parent in prison or jail, you probably have many questions and concerns about your children and about your legal rights as a parent. Your children may be with relatives or they may be in foster care or a group home. If your children are in foster care, you may have questions about your legal rights and about the juvenile dependency court proceedings involving

your children. If your children are with a divorced spouse or if a legal guardianship has been established, you may have questions about how to reunify with your children once you are released from prison. This booklet is designed to answer many of the legal and practical questions that incarcerated parents have about custody of their children, both during and after the time they are in prison or jail. It is not intended to replace your lawyer. If you have a lawyer, use him/her; ask questions, give information, and tell him/her what you want for your family.”

<http://www.prisonerswithchildren.org/pubs/ipm.pdf>

THE CONSEQUENCES OF CRIMINAL CHARGES: A PEOPLE’S GUIDE

Kate Rubin, McGregor Smyth, Paul Keefe, and Marissa Baldacinni (2000-2008)

Although this resource is New York State-specific, it may be useful to practitioners in other jurisdictions to identify some of the legal barriers facing their clients.

Excerpt: “This manual provides basic information about some of the many consequences of criminal charges, arrest, and incarceration in New York State. It describes the legal barriers that can arise for individuals who have been arrested and their families, and provides some help navigating those barriers.”

<http://criminaljusticecaucus.files.wordpress.com/2012/02/know-your-rights-theconsequencesofcriminalchargesapeoplesguide.pdf>

HOW TO GET AND CLEAN UP YOUR NEW YORK STATE RAP SHEET

Legal Action Center (2007)

Although this resource is New York State-specific, it may be useful to practitioners in other jurisdictions to identify some of the legal barriers facing their clients. Comprehensive manual for people in NY State about cleaning up their criminal records.

http://www.legal-aid.org/media/44712/nys_rap_sheet_final.pdf

Legal Collaborations and Roles of Attorneys

This section includes resources for all attorneys and advocates hoping to create better collaborations and models for reentry in their communities. Though this subsection is more theoretical than substantive, we thought these were essential pieces to include in a compilation where reentry legal assistance is so profoundly needed.

NOTE: *The materials in each section are listed in order of the most recent publication date first (i.e., in reverse chronological order). Within each year, materials are listed alphabetically by title.*

Civil and Criminal Attorney Collaborations

FROM ARREST TO REINTEGRATION: A MODEL FOR MITIGATING COLLATERAL CONSEQUENCES OF CRIMINAL PROCEEDINGS

J. McGregor Smyth (2009)

Excerpt: “This article outlines a methodology for identifying, evaluating, and mitigating this collateral damage of criminal proceedings. The breadth of these collateral consequences is daunting, both to the people affected and criminal and civil justice practitioners who are faced with learning them. They are often hidden from view, scattered across federal, state, and local statutes, regulations, and administrative policies and practices. Established research and daily experience offer another way of looking at these consequences: They are a critical piece of the reentry/recidivism puzzle — and they are a way of identifying a population most in need of help.”
http://www.americanbar.org/content/dam/aba/publishing/criminal_justice_section_newsletter/crimjust_cjmag_24_3_smyth.authcheckdam.pdf

NAVIGATING THE HIDDEN OBSTACLES TO EX-OFFENDER REENTRY

Anthony C. Thompson (2004)

Abstract: “As federal and state correctional institutions steadily release record numbers of [justice-involved individuals] each year, the communities into which prisoners are released are unprepared to sustain the economic and social burden of the massive reentry movement. As a result, reentering [justice-involved people] lack the support needed to reintegrate themselves into society and to lead productive, law-abiding lives. This article first explores political trends that account for the increase in incarceration rates over the last two decades and the resulting social, legal, and economic challenges of reentry both [formerly justice-involved people] and their communities face. Only recently has the government begun to respond to these problems by establishing reentry courts that specialize in [formerly justice-involved people’s] transition, support, and supervision. After questioning the efficiency and institutional competence of reentry courts, the article suggests two alternative ways in which the legal community might help to manage [justice-involved persons’] reentry. First, public defender offices could evolve into a less specialized and more integrated role through which they could represent [formerly justice-involved individuals] in a variety of matters related to reentry. Second, law schools could provide students with clinical opportunities through which to explore creative, non-traditional solutions to representation of [formerly justice-involved individuals]. Ultimately, collaboration between lawyers and communities will be necessary to provide [formerly justice-involved people] with the resources they need for successful reintegration.”

<http://lawdigitalcommons.bc.edu/cgi/viewcontent.cgi?article=2264&context=bclr>

BRIDGING THE GAP: A PRACTICAL GUIDE TO CIVIL-DEFENDER COLLABORATION

McGregor Smyth (2003)

Excerpt: “Most public defenders do not think beyond the termination of the pending criminal case. Many civil legal aid attorneys would like to think that their client population has little contact with the criminal justice system. And never the twain shall meet. Both sides of this divide can and should endeavor to bridge it, but in this article I specifically address civil legal services organizations and their staff. By widening your focus — looking at the whole client and the client’s community — you can see that the same systemic problems inextricably connect low-income clients, regardless of whether their most immediate legal problem is civil or criminal.”

http://www.brennancenter.org/sites/default/files/legacy/d/download_file_35518.pdf

REENTRY — THE TIE THAT BINDS CIVIL LEGAL AID ATTORNEYS AND PUBLIC DEFENDERS

Cynthia Works (2003)

Excerpt: “In this article I argue that, more than other attorneys, civil legal aid attorneys and public defenders who undertake representation of the indigent have a responsibility to be aware of the many challenges their clients face as they make the transition back into their communities. Without assistance from civil legal aid attorneys and public defenders equipped to handle the legal hurdles of reentry, many [formerly justice-involved individuals] fall prey to recidivism, ending up on the docket of the same public defender who helped them on the very offense for which they were originally incarcerated.”

http://canatx.org/rrt_new/professionals/articles/WORKS-PUBLIC%20DEFENDERS.pdf

Role of Civil/Legal Aid Attorney

LEGAL AID HELPS SUCCESSFUL REENTRY

United States Department of Justice (2013)

Excerpt: “Civil legal assistance can play a critical role for people leaving jail and returning to society, translating into reduced recidivism and increased chances for reintegration into the community. Securing an occupational license or an expungement for an eligible [formerly justice-involved individual] may make the difference in that individual’s ability to get a job. Preventing an illegal eviction may prevent homelessness and keep a family together. Legal aid and pro bono organizations can help address these and other barriers that keep people with criminal records from successful long-term reintegration.”

<http://www.justice.gov/atj/reentry-legal-aid.pdf>

Role of Defense/Public Defender Attorneys

A REENTRY-CENTERED VISION OF CRIMINAL JUSTICE

Michael Pinard (2007)

Excerpt: “Part I of this paper details the shortcomings of current reentry practices. Part II sets forth a reentry-centered vision of criminal justice that recasts the roles of defense attorneys, prosecutors and judges. Part III sets out a couple of ways in which the reentry-centered model differs from models that, at first blush, appear to be similar then explains that broader reforms are necessary to fully realize the reentry-centered vision.”

http://digitalcommons.law.umaryland.edu/cgi/viewcontent.cgi?article=1530&context=fac_pubs

BROADENING THE HOLISTIC MINDSET: INCORPORATING COLLATERAL CONSEQUENCES AND REENTRY INTO CRIMINAL DEFENSE LAWYERING

Michael Pinard (2004)

Abstract: “Over the past two decades, public defender offices across the country have broadened the range of defense services provided to indigent clients. These expanded services, some of which involve representing clients on related non-criminal matters such as housing and public benefits, are included in what is now commonly referred to as ‘holistic representation.’ This form of representation strives to encompass the various underlying issues that often lead to clients’ experiences with the criminal justice system, with the aim of addressing those circumstances and preventing future criminal involvement. Holistic representation signals a paradigmatic shift in defense philosophy and ideology and has transformed criminal defense practice by broadening the conception of what defense lawyers actually do. This essay will explore this conception of holistic representation by looking at two facets of our criminal justice system — collateral consequences of criminal convictions, such as those that relate to housing, public benefits, employment and deportation, and [formerly justice-involved individual] reentry. It will discuss the need for criminal defense attorneys to incorporate both collateral consequences and reentry components into their practices for all clients — including those charged with felonies and misdemeanors. Finally, this essay explores some objections to this expanded role for the lawyer.”

<http://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=1897&context=ulj>

Legal Clinics for Reentering People

This section includes a list of and links to some of the reentry legal clinics across the country. We hope by including information about these programs that, when appropriate, attorneys, advocates, and reentering women can contact these programs for assistance as well as give practitioners ideas for additional collaborations and/or creating additional clinics. [Note: Please contact the clinic directly to learn more about the assistance they provide.]

NOTE: *The following legal clinics are listed alphabetically by state.*

AL — TUSCALOOSA — REENTRY ASSISTANCE CLINIC

at the University of Alabama School of Law

Website: “Students conduct intake at a walk-in clinic held at the Tuscaloosa Office of Probation and Parole to determine what issues [formerly justice-involved individuals] are facing that may prevent them from successfully reentering their communities. Students provide clients with basic information on legal issues as well as referrals to other agencies. The Reentry Assistance Clinic is held on three consecutive days each month — usually the first Tuesday, Wednesday and Thursday of the month — at the Tuscaloosa Office of Probation and Parole.”

<http://www.law.ua.edu/public-interest-institute/volunteer-opportunities/pro-bono-projects/>

AZ — TUCSON — CIVIL RIGHTS RESTORATION CLINIC

at the University of Arizona James E. Rogers College of Law

Website: “This clinic gives students theoretical and practical exposure to the problems faced by persons previously convicted of criminal offenses. The program has a classroom component and a representation component. The clinical work is not primarily aimed at developing litigation skills. Instead, it is to give students the opportunity to meet and work with persons with criminal convictions, learn about their situations, prepare court pleadings and handle brief court hearings.

The classes cover the legal, policy and professional implications of re-entry and the loss of civil rights, as well as an introduction to interviewing clients and representing them in court.”

<http://law2.arizona.edu/clinics/CRRC.cfm>

CA — LOS ANGELES — REENTRY LEGAL CLINIC

at UCLA School of Law

Website: “The Reentry Legal Clinic utilizes existing legal means to remove these employment barriers, focusing on cleaning up a client’s criminal record, ensuring that employers know and follow existing anti-discrimination laws, and discouraging employers from making unreasonable decisions based on a potential employee’s criminal record. Nationwide, very few agencies and attorneys currently take this approach. Our clinic, a partnership between the Critical Race Studies program at UCLA and the non-profit, A New Way of Life, is a pioneer in this vastly underutilized area of the law. Clinic volunteers, trained by professors and practitioners, learn how to analyze court dockets, conduct client interviews, prepare expungement petitions and declarations, and assist in enforcing anti-discrimination laws impacting previously incarcerated persons.”

<https://law.ucla.edu/student-life/student-organizations/el-centro-legal-clinics/reentry-legal-clinic/>

CA — LOS ANGELES — CLEAN SLATE/A NEW WAY OF LIFE REENTRY PROJECT

UCLA School of Law in partnership with A New Way of Life

Website: “A New Way of Life Reentry Project runs a monthly Reentry Legal Clinic in partnership with UCLA School of Law, Critical Race Studies Program, between 10am and 12pm on the second Saturday of each month at WLCAC Bradley Multipurpose Center, located on 10957 S. Central Ave., Los Angeles, CA. Call 323-357-8431 to register. Prepare to bring with you official records (from the clerk’s office at a superior court or the California Department of Justice). The Reentry Legal Clinic helps people ‘expunge’ their conviction records under Cal. Pen. Code §§ 1203.4 & 1203.4a and screen for potential violations of their employment rights.”

<http://www.anewwayoflife.org/legal-clinics/>

CA — MALIBU — PEPPERDINE/UNION RESCUE MISSION LEGAL AID CLINIC

at Pepperdine University School of Law

Website: “Clients, referred by URM and other area missions, shelters and rehabilitation programs, receive assistance with tickets and warrants, expungements, applications for homeless court; credit, housing, taxes and benefits.”

<http://law.pepperdine.edu/clinical-education/legal-aid-clinic/>

CA — SAN FRANCISCO — CLEAN SLATE PROGRAM

by the San Francisco Office of the Public Defender

Information about how to receive assistance in expunging one’s criminal record. Includes a list of which crimes are eligible for expungement.

<http://sfpublicdefender.org/services/clean-slate/>

CA — SAN JOSE — RECORD CLEARANCE PROJECT

at San Jose State University (not a law school/undergraduate university)

Website: “The San Jose State University (SJSU) Record Clearance Project (RCP) engages undergraduates in assisting eligible people to clear their criminal records. Begun in January 2008, each semester the work culminates in a court hearing where a judge considers the petitions that SJSU undergraduates prepare on behalf of their clients.”

<http://www.sjsu.edu/justicestudies/programs-events/rcp/>

CA — STANFORD — COMMUNITY LAW CLINIC

at Stanford University School of Law

Website: “The Clinic's areas of focus are wage and hour, housing, and criminal record expungement matters, but the program's practice areas shift in response to local threats and opportunities. The CLC also works on policy projects, legislative advocacy, and community legal education in areas that affect its clients.”

http://www.law.stanford.edu/organizations/clinics/community-law-clinic#practice_areas

IL — CHICAGO — BLUHM LEGAL CLINIC PRISON REENTRY STRATEGIES

at Northwestern University School of Law

Website: “With the Clinic as a sponsor, Young was awarded a 2010 Soros Senior Justice Fellowship to advance the employment side of prisoner reentry in the midst of a recession and severe job loss. The Project's work focused on developing and promoting new approaches to reentry and to develop new, effective, shared-cost program models that will connect returning prisoners who need jobs to jobs that need to be done. As the recession's adverse impact on employment has eased, the Project applied what it had learned about employment reentry to address the challenge of bringing returning prisoners and members of disadvantaged and poor communities into a new, technologically demanding world of work. Starting in January 2010, law students participating in Prison Reentry Strategies engaged in legal research, investigations and interviews with business owners, returning prisoners, corrections officials and program administrators, making use of what was learned to develop new approaches and program models that would better enable returning prisoners to find jobs in a tight labor market.”

<http://www.law.northwestern.edu/legalclinic/prison/aboutus/index.html>

LA — BATON ROUGE — PAROLE AND REENTRY CLINIC

at Louisiana State University Paul M. Herbert Law Center

Website: “The Parole & Reentry Clinic represents [justice-involved individuals] at the Louisiana State Prison at Angola, Dixon Correctional Institute, Hunt Correctional Center, and the Louisiana Correctional Institute for Women. Students are certified to practice law pursuant to Louisiana Supreme Court Rule XX and provide direct representation to individual prisoners in parole and pardon matters as well as collateral legal issues necessary for their successful reentry into civilian life. Second year students are not certified but can still provide limited assistance under direct supervision of faculty. Students assist offenders in the administrative procedures of the Louisiana Department of Corrections. Students will travel to the Louisiana State Penitentiary at Angola, Dixon Correctional Institution, Hunt Correctional Center, Rayburn Correctional Center, and the Louisiana State Penitentiary for Women. Students will interview and counsel clients, interview witnesses, conduct factual investigations, assist clients in their residence and reentry plans, prepare briefs and parole packets for filing, and attend hearings before the Louisiana Board of Pardons, Committee on Parole. Students will continue to assist clinic clients upon release in legal issues necessary to their successful reentry into society.”

<http://experiential.law.lsu.edu/parole-reentry/>

MI — ANN ARBOR — MICHIGAN INNOCENCE CLINIC

at the University of Michigan/Michigan Law

Website: “At the Michigan Innocence Clinic at Michigan Law, clinic students investigate and litigate cases on behalf of prisoners who have new evidence that may establish that they are actually innocent of the crimes for which they have been convicted. Unlike many other innocence clinics, which specialize in DNA exonerations, the Michigan Innocence Clinic focuses on innocence cases where there is no biological evidence to be tested.”

<http://www.law.umich.edu/clinical/innocenceclinic/Pages/default.aspx>

MN — ST. PAUL — THE REENTRY CLINIC/LEGAL ASSISTANCE TO MINNESOTA PRISONERS (LAMP) CLINIC

at William Mitchell College of Law

Website: “The Reentry Clinic provides civil legal services to women who have been released from prison, or are nearing the end of their incarceration. Through law students, the clinic helps clients overcome the barriers to successful community reintegration. The clinic provides legal services and guides clients to community resources. The clinic addresses issues that broadly affect reentry as well as those that affect individual clients. Through careful supervision and teaching, law students provide cost-effective and creative services to clients.”

<http://mitchellhamline.edu/clinics/>

NC — CHARLOTTE — CIVIL RIGHTS CLINIC (CRC)

at Charlotte School of Law

Website: “The substantive component of Charlotte School of Law's Civil Rights Clinic is shaped by the clients and causes with which the CRC is involved.”

<https://cslcivilrights.com/about/>

NC — RALEIGH — REENTRY PROJECT

at Campbell University Norman Adrian Wiggins School of Law

Website: “The Reentry Project assists citizens who may qualify for relief from the collateral consequences stemming from a criminal record, which often include barriers to employment opportunities and affordable housing. Students participate in training provided by the North Carolina Justice Center and Legal Aid of North Carolina, and learn about the collateral consequences of having a criminal record and the criteria for expunctions and certificates of relief under state law. Students also learn how to review criminal records and participate in practice exercises to apply the law and determine eligibility for relief. Following training, and under the supervision of Legal Aid staff attorneys and volunteer attorneys, students participate in mobile clinics to interview clients and identify those who may be eligible for relief. More than 100 clients have been served by 23 Campbell Law students since the program's inception in the fall of 2013.”

<http://law.campbell.edu/page.cfm?id=445>

NJ — CAMDEN — COMMUNITY REENTRY PRACTICUM

at Rutgers School of Law-Camden

Website: “Students in the Community Reentry Practicum work with ex-offenders, as well as young adults at risk of involvement with the criminal justice system, to resolve civil legal matters that present barriers to employment, education, and advancement in society and also assist ex-offenders with issues that include municipal court warrants, family court matters and driver's license suspensions.”

<https://law.rutgers.edu/legal-clinics>

NY — ALBANY — PRISONERS REENTRY LEGAL EDUCATION PROJECT

at Albany Law School

Website: “Students provide legal education workshops to assist reentering prisoners. Last year, students worked with the Albany County Reentry Taskforce in providing reentry education and support to 430 prisoners released in the Capital Region. Community Partners: Bronx Defenders; ProBono.Net; Albany County Reentry Taskforce; Prisoners' Legal Services of New York; Catholic Charities.”

http://www.albanylaw.edu/media/user/student_affairs/summary_of_programs.pdf

NY — BROOKLYN — PRO BONO PROJECTS

at Brooklyn Law School

Website: “There are a wide range of projects, including nationwide ones such as the National Lawyers Guild’s Legal Observation at Protests, citywide ones such as the Suspension Representation Project, and projects unique to BLS such as the Foreclosure Legal Assistance Group. Pro bono projects span a range of practice areas and populations, including working with alleged debtors, domestic violence survivors, entrepreneurs, immigrants, public benefits recipients, students, and veterans.”

<https://www.brooklaw.edu/intellectuallife/public-service-law-center/pro-bono-projects/pro-bono-projects>

NY — BUFFALO — POST-INCARCERATION FEDERAL REENTRY PRACTICUM

at SUNY Buffalo Law School

Website: “In this Post-Incarceration Reentry Practicum, we will discuss barriers to reentry and explore potential solutions. Students enrolled in this Practicum will actively contribute to the civil representation of individuals participating in the Western District of New York’s Federal Reentry Court. The Federal Reentry Court provides intensive probation oversight as well as holistic legal services to each voluntary participant.”

<http://www.law.buffalo.edu/beyond/practica.html>

NY — NEW YORK — CRIMINAL DEFENSE AND REENTRY CLINIC

at New York University School of Law

Website: “The clinic allows students to explore the ways that defenders can provide holistic representation to clients charged with criminal offenses. It will also explore that defenders can work in collaboration with community groups and their clients to address broad, pressing issues in the criminal justice system. Using an interdisciplinary approach, students will be expected to explore ways that defender offices can be more grounded in the communities from which their clients come and to which they will return. In addition, the clinic will examine and work to make reform recommendations regarding current bail policies in the New York City criminal justice system.”

<http://www.law.nyu.edu/academics/clinics/year/criminaldefense>

NY — NEW YORK — INCARCERATION AND FAMILY CLINIC

at Columbia University Law School

Website: “The clinic informs people in prison about their parental rights and responsibilities and the ways in which they can advocate effectively for themselves. The clinic also provides advocacy to people who have been released from prison, as well as their family members, to help them achieve reunification.”

<http://web.law.columbia.edu/clinics/prisoners-and-families-clinic>

NY — NEW YORK — COLLATERAL CONSEQUENCES OF CRIMINAL CONVICTIONS CLINIC

at Fordham University School of Law

Website: “In the Collateral Consequences of Criminal Convictions Clinic, students will work directly with affected individuals to assist them in overcoming these social, economic, and legal barriers. Students will interview and counsel clients, conduct research, hone their legal writing, collaborate with other legal professionals, build consensus, and litigate on their clients' behalf.”

<http://law.fordham.edu/17499.htm>

OH — AKRON — RE-ENTRY CLINICS

at the University of Akron, Akron Law

The University offers four clinics related to reentry

[1] Certificate of Qualification for Employment (CQE) Clinic

Website: “The CQE clinic is staffed by volunteer students under the supervision of a clinic faculty member. During CQE clinics, law students meet with clients who have criminal convictions and assist them in applying for a Certificate of Qualification for Employment. In many cases, the law had previously prohibited these [formerly justice-involved individuals] from holding certain types of employment or professional licenses. The CQE allows the prospective employer or the licensing authority, in its discretion, to employ or license the [formerly justice-involved individual] who holds the Certificate. This program gives our students access to a diverse range of people in the greater Akron community. In doing this, our students help people in a very real way while gaining valuable client experience for the future.”

[2] The Expungement Clinic

Website: “The Expungement Clinic is comprised of volunteer law students under the supervision of an attorney. Students working in this clinic gain real world experience by serving low-income Akron residents who seek to have their convictions sealed by the court. As a volunteer in this clinic, you could expect to conduct background searches, develop relationships with clients, and represent the client in the courtroom.”

[3] The Clemency Project

Website: “The Clemency Project provides assistance to low-income [formerly justice-involved individuals] who seek a pardon for their convictions. Akron Law students in this clinic are trained to handle pardon applications to the Governor. Students continue the client relationship by representing the client at their formal pardon hearing under the supervision of Professor Joann Sahl.”

[4] The Human Trafficking Clinic

Website: “The Human Trafficking Clinic assists victims of human trafficking to expunge (destroy) their criminal records. Typically, victims of human trafficking are likely to have convictions for solicitation or prostitution, which were forced upon them by the traffickers. As a part of this clinic, our students conduct investigations and screen for potential clients. Our students then follow up with clients and conduct investigations. Like Akron Law’s other clinics, the Human Trafficking Clinic offers students real-life practice and a new life to those in need.”

<https://www.uakron.edu/law/curriculum/reentry.dot>

OH — TOLEDO — THE PRISONER REENTRY PROJECT

at the University of Toledo College of Law

Website: “The Prisoner Reentry Project is a community-based effort to ease the transition from incarceration to freedom, thereby reducing the rates of recidivism. The Project teams up with local legal services agencies, social service groups, private organizations and public agencies to identify and eliminate barriers to successful reentry into society. Clinic students and faculty make monthly visits to a local prison to work with individual inmates who will soon be released. The Project also works on collaborative research on issues affecting successful reentry.”

<http://www.utoledo.edu/law/academics/clinics/civilpractice.html>

OR — PORTLAND — THE CRIMINAL JUSTICE REFORM CLINIC

at Lewis & Clark Law School

Website: “The Oregon Justice Resource Center currently manages several innovative projects. Students will have an opportunity to learn about and work on cases/issues related to innocence through the Oregon Innocence Project, advancing criminal justice reform (including appellate

advocacy) through the Criminal Justice Project or post incarceration prisoner reentry through the Reentry Law Project. Students involved in the Clinic will have the opportunity to conduct investigations; conduct legal/fact research and analysis; write motions, briefs and reports for filing in state trial and appellate courts; interview and advise clients; attend legal and legislative meetings and hearings; and meet and participate in strategy sessions with members of the bar, the judiciary and community leaders.”

https://law.lclark.edu/courses/catalog/law_758.php

PA — PHILADELPHIA — WOMEN’S RE-ENTRY LEGAL SERVICES (WRLS)

at the University of Pennsylvania Law School

Website: “For the majority of women convicted of a criminal offense in Philadelphia, criminal justice issues are just the tip of the iceberg. Housing, employment, custody and benefits are just a few of the areas in which formerly incarcerated women desperately need legal support tailored to their specialized needs. The Women’s Re-entry Legal Services is a student pro bono project that aims to address these issues by providing holistic legal support and education to formerly incarcerated women. Our project’s work is at the intersection of criminal and civil law and includes research, curriculum development and case management.”

<https://www.law.upenn.edu/publicservice/pro-bono/student-projects.php#wrls>

PA — PITTSBURGH — CIVIL RIGHTS CLINIC

at Duquesne University School of Law

Website: “The Civil Rights Clinic is a year-long in-house clinic that engages in civil rights litigation and advocacy. Students participate in weekly training sessions addressing the applicable substantive and procedural law. Beyond the classroom, students are trained in case intake and interviewing, client counseling, fact investigation, case analysis, negotiation, research, and drafting of complaints and documents.”

<http://law.duq.edu/clinics/clinics/civil-rights>

VT — SOUTH ROYALTON — THE PRISON PROJECT

at Vermont Law School

Website: “This project serves the needs of incarcerated women by providing legal information and some representation at Vermont’s Chittenden Regional Correctional Facility to help them address pressing family law issues related to their separation from their children, as well as helping them understand the child support process. SRLC’s work in the past few years at Marble Valley Regional Correctional Facility contributed to two major amendments to Vermont’s child support laws in 2012 allowing prisoners to seek and obtain child support modification orders.”

<http://www.vermontlaw.edu/academics/clinics-and-externships/south-royalton-legal-clinic/projects>

WA — SEATTLE — INCARCERATED PARENTS ADVOCACY CLINIC

at Seattle University School of law

Website: “Students in this course will advocate for incarcerated parents who are seeking to preserve their relationships with their children despite their incarceration. Under the supervision of clinic faculty, students will represent incarcerated parents in dependency and other proceedings and work closely with clients and their families to develop plans for maintaining the parent-child relationship. Students will develop lawyering skills through interviewing and counseling clients, engaging in negotiations and trial preparation, including interviewing witnesses and drafting motions, and representing clients in court. In addition, students will work collectively on developing materials to assist parents in self-advocacy and to help lawyers handling such cases to be more effective.”

<https://law.seattleu.edu/academics/skills-programs/law-clinic>

WA — SEATTLE — LEGAL FINANCIAL OBLIGATIONS (LFO) CLINIC

at Columbia Legal Services (CLS) (not law school clinic/community-based organization)

Website: “CLS’s LFO Clinic is a pilot project that began in November 2011 at Village of Hope, a community non-profit located in West Seattle. At the clinic, volunteer attorneys provide free advice and referrals to people with LFOs. To date, CLS has assisted over 50 people who otherwise would not have access to these legal services. Recently, CLS has also done on-site clinics at King County work release facilities.”

<http://columbialegal.org/advocacy/institutions-project>

National Organizations Relevant to Reentry Issues

This section includes information and links to national organizations that we hope can give additional relevant resources for practitioners. Some of the organizations listed offer general reentry resources; others focus more on legal reentry resources and support. We also included a few organizations that offered resources around specific issues (e.g., employment and immigration).

NOTE: *The following organizations are listed alphabetically.*

Defending Immigrants Partnership

Website: “Since its inception in October 2002, the Partnership has coordinated on a national level the necessary collaboration between public defense counsel and immigration law experts to ensure that indigent noncitizen defendants are provided effective criminal defense counsel to avoid or minimize the immigration consequences of their criminal dispositions. To that end, the Partnership offers defender programs and individual defense counsel critical resources and training about the immigration consequences of crimes, actively encourages and supports development of in-house immigration specialists in defender programs, forges connections between local criminal defenders and immigration advocates, and provides defenders technical assistance in criminal cases.”

<http://defendingimmigrants.org/>

Citizenshipworks

Website: “Citizenshipworks is a collaboration between the Immigration Advocates Network, Immigrant Legal Resource Center, and Pro Bono Net. We aim to make the immigration system accessible to everyone through user-friendly technology, plain language legal information, and a national network of nonprofit immigration service providers.”

<http://www.citizenshipworks.org/>

Collateral Consequences Resource Center

Website: “The Collateral Consequences Resource Center is a non-profit organization established in 2014 to promote public discussion of the collateral consequences of conviction, the legal restrictions and social stigma that burden people with a criminal record long after their court-imposed sentence has been served. We provide news and commentary about this dynamic area of the law, practice and advocacy resources, and information about how to obtain relief from collateral consequences in different jurisdictions. The Center website is aimed at lawyers and other criminal justice practitioners, courts, scholars and researchers, policymakers and legislators, as well as those most directly affected by the consequences of conviction. We welcome tips about relevant current developments, including judicial decisions and new legislation, as well as proposals for blog posts on topics related to collateral consequences and criminal records. In addition, Center board members and staff are available to advise in connection with efforts to reform policies and practices relating to collateral consequences and criminal records.”

<http://ccresourcecenter.org/>

LawHelp.org

Website: "LawHelp.org has been created for people living on low-incomes and the legal organizations that serve them. LawHelp.org provides referrals to local legal aid and public interest law offices, basic information about legal rights, court forms, self-help information, court information, links to social service agencies, and more in your state. LawHelp.org includes a network of 25 statewide legal information portals built on the LawHelp.org platform. LawHelp.org was developed and is maintained by Pro Bono Net in partnership with hundreds of nonprofit legal aid, pro bono, court-based programs and libraries across the country. LawHelp.org launched in 2001 with support from the Legal Services Corporation and the Open Society Institute. In 2007, it was recognized with a Webby Award for Best Law Site. The Spanish version of LawHelp.org was launched in 2012 in partnership with the Legal Aid Society of Northeastern New York and LawHelp.org/NY, with support from LSC's Technology Initiative Grant program."

<http://www.lawhelp.org/>

Legal Action Center

Website: "The Legal Action Center is the only non-profit law and policy organization in the United States whose sole mission is to fight discrimination against people with histories of addiction, HIV/AIDS, or criminal records, and to advocate for sound public policies in these areas. For three decades, LAC has worked to combat the stigma and prejudice that keep these individuals out of the mainstream of society. The Legal Action Center is committed to helping people reclaim their lives, maintain their dignity, and participate fully in society as productive, responsible individuals."

www.lac.org

NACDL Restoration Rights Project

Website: "NACDL [National Association of Criminal Defense Lawyers] is pleased to offer, as a resource for its members and as a service to the public, a collection of individual downloadable documents that profile the law and practice in each U.S. jurisdiction relating to relief from the collateral consequences of conviction. The 54 jurisdictional profiles include provisions on loss and restoration of civil rights and firearms privileges, legal mechanisms for overcoming or mitigating collateral consequences, and provisions addressing non-discrimination in employment and licensing. In addition to the full profiles, there is a set of charts covering all 50 states (plus territories and the federal system) that provide a side-by-side comparison and make it possible to see national patterns in restoration laws and policies. The information covered by the charts is summarized on the page for each jurisdiction. These materials will be an enormous aid to lawyers in minimizing the collateral consequences suffered by clients and in restoring their rights and status."

<http://www.nacdl.org/rightsrestoration/>

National H.I.R.E. Network

Website: "Established by the Legal Action Center in 2001, the National Helping Individuals with criminal records Re-enter through Employment (H.I.R.E.) Network is both a national clearinghouse for information and an advocate for policy change. It is one of several special projects at the Legal Action Center. The goal of the National H.I.R.E. Network is to increase the number and quality of job opportunities available to people with criminal records by changing public policies, employment practices and public opinion. (Read the National H.I.R.E. Network's operating principles and advocacy priorities to learn more.) HIRE accomplishes these goals by providing leadership on

public policy advocacy, providing technical assistance and training on overcoming labor market barriers based on a criminal record, and promoting collaboration between individuals directly affected by the criminal justice system, advocates, practitioners, researchers, and policymakers working to improve the employability of people with criminal records.”

<http://www.hirenetwork.org/>

National Reentry Resource Center

Website: “The National Reentry Resource Center provides education, training, and technical assistance to states, tribes, territories, local governments, service providers, non-profit organizations, and corrections institutions working on prisoner reentry. The NRRC’s mission is to advance the reentry field through knowledge transfer and dissemination and to promote evidence-based best practices. Specifically, the NRRC provides a one-stop, interactive source of current, evidence-based, and user friendly reentry information; individualized, targeted technical assistance for Second Chance Act grantees; and training, distance learning, and knowledge development to support grantees and advance the reentry field.”

<http://www.nationalreentryresourcecenter.org/>

National Resource Center on Justice Involved Women (NRCJIW)

Website: “The U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance (BJA) — in partnership with the National Institute of Corrections (NIC) — established the National Resource Center on Justice-Involved Women (NRCJIW) to address the unique and complex needs of adult women involved in the criminal justice system. NIC will continue to deliver products and services to the field specific to justice-involved women, and will work closely with BJA and the Resource Center to assure a coordinated approach.”

<http://cjinvolvedwomen.org/>

Probono.net

Website: “Probono.net is a national, online resource for legal aid and pro bono attorneys, law professors and students, and related social services advocates. The site promotes collaboration and makes it easier for pro bono attorneys to get involved, saving them time and connecting them with opportunities, training events, mentors, and searchable libraries of practice resources they won't find anywhere else. The site is organized by topical ‘practice areas’ and geographic regions, built and maintained by public interest legal organizations and law firms throughout the country.

Members include more than 75,000 advocates from hundreds of public interest organizations and private firms.”

<http://www.probono.net/>

Reentry.net

Website: “Reentry Net, a project of The Bronx Defenders and Pro Bono Net, is a collaborative education and resource center for individuals and organizations in New York State that advocate for people with criminal records and their families — collectively, the Reentry Community. Reentry Net also hosts a growing National Reentry Research clearinghouse that includes academic research, evaluations of programs and initiatives, and policy reports on the full range of issues that affect the reentry community. Reentry Net / NY is the first ever statewide clearinghouse of practical advocate materials on the civil consequences of criminal proceedings. Reentry Net / NY contains materials from dozens of contributing organizations throughout New York State. All resources have been

screened, selected, and organized by experts. Reentry Net is supported by staff based at the Bronx Defenders and by a Steering Committee representing the project's main stakeholders from around New York State.”

<http://www.reentry.net/>

If you know of additional resources or organizations that should be added to this list, please contact the National Clearinghouse.

National Clearinghouse for the Defense of Battered Women

125 S. 9th Street, Suite 302

Philadelphia, PA 19107

215/351-0010 or 800/903-0111, ext. 3

ncdbw.org