

Written Comments of

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On the Legal Service Corporation Strategic Plan for 2011-2015

Submitted to

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INTRODUCTION

Thank you to the Legal Services Corporation for accepting written comments on the 2011-2015 Strategic Plan. We truly appreciate the opportunity to provide recommendations on the legal services needs of our client community and on how they reflect on the Legal Services Corporation's strategic direction in the coming years.

We submit these comments on behalf of The Bronx Defenders, a provider of holistic criminal defense, family defense, civil legal services, and social services to indigent people involved with the criminal and family justice systems in the Bronx, NY. We serve over 14,000 Bronx residents each year, all of whom are poor and nearly all of whom are Black and Latino. The Bronx Defenders views our clients not as "cases," but as whole people: caring parents, hard workers, recent immigrants, native New Yorkers, and students with hope for the future. Whether defending a client's liberty, connecting a young man to mental health services, preventing an elderly woman's eviction, working to keep a family together, or preparing a neighborhood teenager to join the next generation of leaders, The Bronx Defenders ultimately strives to improve the lives and futures of all of the Bronx's residents.

The Civil Practice at The Bronx Defenders is staffed by 20 full-time advocates who practice in housing, immigration, public benefits, employment, and other substantive areas of law. But ours is not the traditional civil legal services office. Over the past decade, we have built a model for meeting the critical needs of individuals and families whose arrest, incarceration, or family court involvement have triggered complex and intertwined civil legal problems. The Bronx ranks at the bottom of New York State in most indicators of poverty, health, and stability. Just as our client community faces unemployment, eviction, deportation, addiction, and untreated mental illness at higher rates than those in other parts of the city and state, they also face higher rates of stops by police, arrest, incarceration, and child removal.

Based in a multi-service office, we have developed tools and strategies for helping our clients and their families navigate what is often the widest part of a growing “justice gap.” Last year alone, we provided comprehensive civil legal services to 2,133 clients on 2,487 matters arising out of the challenges of being poor in the Bronx, and we know that an even greater number of our clients could have benefited from representation in civil matters. The majority of these clients are not incarcerated and would be eligible for representation by an organizations receiving funds from the Legal Services Corporation (LSC). Through our Reentry Net initiative¹ we have trained and supported thousands of advocates around the state helping clients address similar problems. Every day, we hear from our clients and from the advocates we assist about the dearth of existing services to meet these needs.

We see the ways that our clients are among the hardest hit by the recession. In a down economy, job-seekers with criminal records receive even fewer calls from employers. A family who has been evicted from public housing after one member’s arrest will have a harder time finding a place to live. People with mental illness, drug addiction, and other needs have more stressors and fewer services to turn to. So while we add our voices to the call for greater access to legal services and a broad right to counsel in civil matters, our testimony focuses on something different: the need to further develop integrated legal services delivery models that cut across practice areas, effectively reach low-income clients by leveraging existing funding streams, and meet constitutional standards for effective assistance of counsel. Expanding this type of initiative is essential for meeting the needs of the most vulnerable client populations throughout the country, and for avoiding costly emergency services when problems that could be solved early on reach crisis proportions.

THE SERVICE MODEL: EARLY, EFFICIENT, AND EFFECTIVE INTERVENTIONS

Legal aid programs and other civil legal providers serve the very same population that the criminal justice system targets. Interactions with the police, courts, child protective services, and incarceration have become normal events in the communities we serve. As elaborated in a recent Legal Services NYC report on legal needs of New Yorkers, there is no meaningful line between

¹ Serving thousands of providers statewide, Reentry Net/NY (www.reentry.net/ny) trains and supports criminal defense, legal services, social services, and policy reform advocates. The online resource center provides front-line service providers with the practical information they need to solve every day problems faced by those whose lives have been affected by an arrest, conviction, and incarceration. More than 20,000 individual materials—model briefing papers, training resources, sample letters, etc.—are downloaded each month from the site’s libraries.

the population requiring “traditional” civil legal services and our clients at The Bronx Defenders. Criminal justice and family court involvement are both symptoms and causes of poverty.²

The result is a staggering multiplier effect: one in four black children born in 1990 had a parent imprisoned by age 14; only one in 25 white children were similarly situated. By age 14, more than half of African-American children born in 1990 to high school dropouts had a father imprisoned.³ We see the statistics borne out at the after-school program we run at an elementary school a few blocks from our office on Courtlandt Avenue: every child we work with has a family member who has been arrested. When we visit high schools for career fairs and “Know Your Rights” workshops, nearly every young man we meet has been stopped and searched by the police. Many have already been arrested and spent nights in jail. Many more have a parent, uncle, aunt, or sibling in prison.

Decades of research and our clients’ daily experiences reveal two harsh realities. First, that deep and interrelated social problems related to poverty – such as homelessness, addiction, unemployment, or mental illness – often lead to crime. Second, the ensuing arrest, criminal charge, or conviction result in significant legal and practical disabilities that only exacerbate the social problems that often lead to crime in the first place.

The 2011-2014 Strategic Plan provides a crucial opportunity to restructure legal services and begin to address these twin realities by supporting delivery models and intake streams that serve clients and families with criminal justice involvement early and effectively. The civil penalties enmeshed with criminal proceedings, faced primarily by poor people all over New York State, are now well-documented.⁴ With few provisions in most states’ laws for sealing or expungement of convictions for crimes, a young adult convicted even of a misdemeanor—drug possession or turnstile jumping—will have the Scarlet Letter “C” on his record for the rest of his life. If his family lives in public housing, the Housing Authority in nearly all jurisdictions will move for eviction. If he is a Lawful Permanent Resident, rather than a citizen, the conviction will likely trigger deportation proceedings. If he has a job, he will probably lose it. If he applies for one later, 80% of employers will run a background check and see his conviction history.⁵

² *New Yorkers In Crisis, A Report by Legal Services NYC* (January 2009). Available:

http://www.legalservicesnyc.org/storage/lsny/PDFs/new_yorkers_in_crisis.pdf

³ See Christopher Wildeman, *Parental Imprisonment, the Prison Boom, and the Concentration of Childhood Disadvantage*, DEMOGRAPHY (Vol. 46, No. 2, May 2009) at 265-80.)

⁴ Often called “collateral consequences,” these penalties in fact are the predictable (if hidden) penalties of criminal charges. As the Supreme Court recognized in *Padilla vs. Kentucky*, 559 U. S. ___, 130 S.Ct. 1473, 1480 (2010), these “collateral consequences” have become an integral and are sometimes the most important part of the penalty of a criminal case. See, e.g., *Re-Entry and Reintegration: The Road to Public Safety* (rev. 2006), available at <http://www.reentry.net/ny/library/attachment.112360> (report and recommendations of the New York State Bar Association Special Committee on Collateral Consequences of Criminal Proceedings); *Internal Exile: Collateral Consequences of Convictions in Federal Laws & Regulations*, (January 2009), available at <http://www.reentry.net/library/attachment.140845> (compiled by the American Bar Association Commission on Effective Criminal Sanctions and the Public Defender Service for the District of Columbia); *Invisible Punishment: The Collateral Consequences of Mass Imprisonment* (Marc Mauer & Meda Chesney-Lind eds., 2002).

⁵ See, e.g., McGregor Smyth, *From Arrest to Reintegration: A Model for Mitigating Collateral Consequences of Criminal Proceedings*, CRIMINAL JUSTICE, Volume 24, No. 3 (ABA Fall 2009) (available at www.abanet.org/crimjust/cjmag/24-3/smyth.pdf).

Intended to improve “public safety,” these penalties instead trap individuals in the revolving door of incarceration and poverty. By blocking the path to self-sufficiency, the legal barriers actually contribute to recidivism. The impact hits much deeper than individual defendants—entire families suffer the consequences. And these consequences exacerbate existing racial inequalities. A 2004 study found that a white job-seeker with a criminal record is more likely to receive a call back from an employer than a black job-seeker with a comparable resume and no criminal record.⁶

The solution begins with integrating services that are far too often completely segregated. With the client at the center, teams of advocates can work together and solve problems early. At The Bronx Defenders, we’ve created a replicable model for success by locating our civil legal services practice inside a public defender office so that we can begin addressing clients’ problems within hours of arrest. We have learned that families experiencing the life problems necessitating wider representation are less likely to seek legal services from a new office, and they often let the first and second notices from their landlord or the welfare office go unaddressed. These problems quickly become emergencies, which are more difficult – and more expensive – to resolve.

Full implementation of this model on a national scale will require increased legal services funding and a rollback of some of the restrictions on LSC-funded organizations under 45 C.F.R., most notably the prohibition on civil representation for individuals who are incarcerated, even in pre-trial detention (Part 1637), and the prohibition on representation of public housing tenants in certain drug-related eviction proceedings (Part 1633).

However, even with all current funding restrictions in place, many crucial elements of an integrated legal service model can be implemented. The majority of clients of the Civil Practice at The Bronx Defenders are not incarcerated. Many have closed criminal cases, and many more are family-members of clients of our criminal practice who have never themselves been arrested or incarcerated. Many of the services we offer are also offered by our colleagues in LSC-funded offices: public benefits fair hearings, housing court matters, and public housing terminations unrelated to drug sales. Others should be on the menu of services offered by every legal services office in the country: helping job-seekers correct rap sheet errors and seal or expunge convictions when possible, representing clients with past criminal justice involvement encountering barriers to higher education, and assisting people with closed criminal cases with debt accrued during incarceration.

The key is not only making these services accessible, but ensuring that each client’s legal representation—including criminal defense—is coordinated to the greatest extent possible. While under current restrictions an LSC-funded office cannot be co-located with a criminal defense office, there is no bar on communication and facilitated referral streams for shared clients. This kind of comprehensive services model can help families find long-term solutions, and they are a cost-effective way of leveraging resources. An attorney, social worker, or investigator in a criminal defense office might provide everything from factual background to help assessing treatment needs or brokering client placements. Problem-solving collaborations

⁶ See audit study by Devah Pager and Bruce Western, *Race at Work* (2004) (available at http://www.nyc.gov/html/cchr/pdf/race_report_web.pdf).

among attorneys, social workers, service providers, family members, and neighbors empower clients to overcome crises. Offices around the state and country are adopting variations on this model, and The Bronx Defenders provides training and technical assistance to dozens of public defenders and civil legal services providers.⁷

THE MODEL IN PRACTICE: STABILIZING FAMILIES AND COMMUNITIES

Any involvement in the criminal justice system—even a simple arrest or a few days in jail—creates a substantial risk of homelessness, shelter use, and job loss.⁸ Homelessness and unemployment, in turn, create a substantial risk of future arrest.⁹ Our experience has shown that once a person has a criminal record, he or she spends longer in homeless shelters or out of work because of the barriers raised by the convictions. For these reasons, preserving stable housing, employment, and income supports must be primary service goals.

Criminal Record Review and Employment

Criminal background checks have become routine for employment, housing, and public benefits applicants. A 2005 survey of human resource professionals by the Society for Human Resource Management found that 96 percent of businesses perform a background check on all job applicants. Over 100 employment licenses in New York State require criminal history review.¹⁰ Every public housing, Section 8, and public assistance applicant undergoes a mandatory criminal history screening. Private landlords increasingly do the same.

The steady accumulation of “collateral” sanctions has combined with the exponential increase in the availability of criminal history data to create a “perfect storm.” Criminal history data is increasingly available from a range of sources, and serious questions have arisen about reliability. While more research is needed, existing studies suggest error rates over 60%.¹¹ Common errors include missing disposition information, unsealed records, and unrecorded vacated warrants. Each of these errors can lead to automatic denial of employment, housing, or benefits applications.

⁷ The Center for Holistic Defense at The Bronx Defenders (www.holisticdefense.org) meets a vast and unmet need in the criminal justice field by supporting the provision of holistic defense to indigent clients. It is a collaboration with the Center for Court Innovation and John Jay College of Criminal Justice and receives funding from the U.S. Department of Justice, Bureau of Justice Assistance.

⁸ See, e.g., Zaire D. Flores, Jeffrey Lin, John Markovic & Nancy Smith, UNDERSTANDING FAMILY HOMELESSNESS IN NEW YORK CITY Section III at 29 (Vera Institute of Justice) (2005) (available at www.nyc.gov/html/dhs/downloads/pdf/vera_Study.pdf).

⁹ See, e.g., ; Stephen Metraux and Dennis P. Culhane, “Homeless Shelter Use and Reincarceration Following Prison Release,” 3 *Criminology & Public Policy* 2, 137 (2004)

¹⁰ See 2006 New York State Occupational Licensing Survey (Legal Action Center) (available at www.reentry.net/ny/search/item.85874).

¹¹ See Craig N. Winston, *The National Crime Information Center: A Review and Evaluation* (August 3, 2005) (finding that of 174 million arrests on file with the FBI, only 45 percent have dispositions). In 2007, the Bronx Defenders partnered with a major New York law firm in a pilot project to review and correct rap sheets. Fully 62 percent of the random sample of official state rap sheets contained at least one significant error; 32 percent had multiple errors. The number of errors ranged from one to nine, with a median of two.

Ms. Escalera was rejected for a job because of arrest charges from 1989 that appeared on her rap sheet without a disposition. She knew that she had never been convicted of any offense. Our staff investigated, discovering that the district attorney had declined to prosecute within hours of the arrest. We obtained documentation and had all records of the arrest correctly sealed. With this proof in hand, Ms. Escalera got the job.

Because defenders receive copies of each client's official criminal history, in-house rap sheet services are efficient and effective ways to reduce widespread barriers to employment as well as housing. Last year, we reviewed and corrected hundreds of rap sheets and preserved hard-earned jobs and self-sufficiency for bread-winners of 20 families after their arrests. The scale of the problem and the depth of impact on communities of poverty argue for making rap sheet review a standard service at civil legal aid organizations. Excellent programs implementing models based both in defender and civil legal services offices exist in New York (The Bronx Defenders, Monroe County Legal Assistance Center, Legal Action Center, Community Service Society), and many other states.¹²

Eviction Prevention

Advocates can often solve a potential housing problem, such as a public assistance error that suspends rent payments, with a simple letter or phone call. Proper planning and client services can prevent some litigation, such as eviction proceedings, altogether. But arrests – even when they don't lead to convictions – often trigger eviction proceedings that require litigation. Housing advocates in our office have immediate access to clients' existing case files and the benefit of an established relationship with clients' families.

Ms. Sosa lives in public housing with her 4 children. The Human Resources Administration wrongfully and significantly reduced her Public Assistance and Food Stamps when she missed a work assignment because of a conflicting court-mandated appointment. NYCHA then sent her an eviction notice because welfare did not pay her rent. Because of our existing relationship with Ms. Sosa on a recently-dismissed criminal case, we immediately requested and won a fair hearing, restoring her benefits, securing her retroactive rent payments, and preventing her eviction before a court case was filed.

The impact that these services can have is tangible not only for individual families but for whole communities. In 2010, our civil legal advocates kept families housed by preventing the evictions of 129 families, resulting in taxpayer savings of over \$4.6 million in shelter costs. We also have a sense of the unmet need: every week, Bronx residents walk into our office looking for representation in eviction proceedings that stem from arrest. In many cases, the entire family stands to lose their home because of allegations against one household member or even visitor.

Access to Public Benefits

¹² Sharon Dietrich, *When "Your Permanent Record" Is a Permanent Barrier: Helping Legal Aid Clients Reduce the Stigma of Criminal Records*, 41 CLEARINGHOUSE REV. 139 (July-August 2007)

The current recession has only increased reliance on safety net supports, and involvement with the criminal justice system presents even more barriers to accessing and navigating these bureaucratic systems. When an arrest leads to employment termination but the case is later dismissed, our clients are entitled to Unemployment Insurance, but few will go through the appeals process without an attorney. Families of clients in jail and prison need help navigating complex temporary absence rules for public assistance budgets. Clients returning home from prison encounter waiting periods for enrollment in Medicaid and other crucial programs.

Mr. Stevens was a resident of a City homeless shelter and a Public Assistance recipient trying diligently to find work and stable housing. The New York City Housing Authority, however, found him ineligible for Section 8 assistance on the basis of minor marijuana drug convictions that were over two years old. The Civil Practice took his case and appealed the denial. At the hearing, our attorneys submitted extensive evidence of his work assignments, job search and job training efforts, a clean toxicology report, and letters of reference. The hearing officer reversed the determination of ineligibility, finding “significant positive changes in his behavior” since the convictions. Mr. Stevens now has stable, affordable, permanent housing.

Integrated services can help clients and their families access the benefits they are entitled to quickly, and before the loss of income or health insurance leads to emergencies that are costly in both financial and human terms. Advocates working collaboratively with a defender office can address issues as simple – and crucial – as obtaining the identification required to access benefits. While some states bar individuals with drug-related felony convictions from receiving TANF and Food Stamps, at least 42 states completely or partially opt out of that ban.¹³ Partly by taking advantage of existing funding opportunities for facilitating benefits enrollment, over the course of a year we secured health insurance for 89 families, and obtained cash and non-cash benefits for clients valued at nearly \$2.2 million.

Early Intervention for Non-Citizen Clients

As the U.S. Supreme Court acknowledged in March of 2010 in its decision in *Padilla vs. Kentucky*, “deportation is an integral part—indeed, sometimes the most important part—of the penalty that may be imposed on noncitizen defendants who plead guilty to specified crimes.”¹⁴ Convictions for minor offenses like marijuana possession and turnstile jumping can lead to deportation of a lawful permanent resident, and even those that don’t lead to deportation can bar a person from reentering the U.S. after visiting another country, or from later obtaining citizenship. These draconian penalties rip apart families and destabilize the economic and social fabric of many communities in the Bronx and around the country.

¹³ Testimony of Marc Mauer Prepared for House Judiciary Subcommittee on Crime, Terrorism, and Homeland Security, *Collateral Consequences of Criminal Convictions: Barriers to Reentry for the Formerly Incarcerated* at 6. (June 9, 2010). Available:

http://www.sentencingproject.org/doc/publications/cc_House%20Jud%20Col%20Cons%20Testimony.pdf.

¹⁴ *Padilla vs. Kentucky*, 559 U. S. ___, 130 S.Ct. 1473, 1480 (2010).

Under *Padilla*, defense attorneys must provide specific, individualized advice about immigration consequences of pleas. In The Bronx Defenders' model, early intervention, plea consults, deportation defense, and other immigration legal services are fully integrated into criminal defense practice.

Mr. F. came to the United States as a refugee from Sierra Leone in 2000. Here, he married and now has three U.S. citizen children. In 2006, he applied to become a naturalized U.S. citizen. Unfortunately, while his application was pending, he was arrested for trademark infringement as a result of selling off-brand products to support his family. The Bronx Defenders represented him in his criminal case and in consultation with Civil Practice immigration attorneys managed to get his case resolved with an Adjournment in Contemplation of Dismissal (ACD). However, his naturalization application was denied. Our immigration staff lawyers worked with Mr. F to prepare a new naturalization application with supporting documentation to help overcome the negative implication of the prior arrest and submitted the new application once the ACD was finally closed after six months. His application was approved and Mr. F recently took his oath as a U.S. citizen.

The Bronx Defenders alone completed hundreds of formal plea consults in the year between September 2009 and September 2010, with more than 80% resulting in pleas that avoided negative immigration consequences. With the Census estimating that 29% of Bronx residents—and 20% of New Yorkers in general—are foreign-born,¹⁵ we can only estimate the tremendous unmet need for these services statewide and nationally.

CONSTITUTIONALLY MANDATED FUNDING

In the face of a vicious cycle of poverty, crime, “collateral” consequences, and recidivism, everyone stands to gain from cross-sector collaboration and smarter public safety policies. Indeed, the Bush administration recognized that public safety required attention to reentry. In his 2004 State of the Union Address, George W. Bush introduced a new initiative for people leaving prison, stating: “This year, some 600,000 inmates will be released from prison back into society. We know from long experience that if they can’t find work, or a home, or help, they are much more likely to commit more crimes and return to prison.” Law enforcement leaders have also recognized the self-defeating and unfair nature of enmeshed consequences. The National District Attorneys Association officially acknowledged the prosecutor’s role in reentry in 2005:

[People] reenter our communities in need of housing, medical and mental health treatment, employment, counseling and a variety of other services. Communities are often overwhelmed by these increased demands and, due to budget constraints, unable to provide minimum services... As a result, the safety of our communities and citizens is jeopardized when releasees, who are unable to acquire employment, housing and needed services, revert to a life of crime.¹⁶

¹⁵ See U.S. Census Bureau, State & County Quick Facts, available <http://quickfacts.census.gov/qfd/states/36/36005.html>.

¹⁶ NDAA, Policy Positions on Prisoner Reentry Issues at 2 (adopted July 17, 2005), available at http://www.ndaa.org/pdf/policy_position_prisoner_reentry_july_17_05.pdf.

Unfortunately, the recognition of the link between reentry, civil consequences, and recidivism too frequently fails to influence daily decisions made by prosecutors, policy makers, judges, defenders, and government agencies. It often falls on public defenders and civil legal services providers to work collaboratively to advise clients about penalties that are intimately related to criminal charges and potential pleas, and to help clients prepare for successful reentry.

In *Padilla*, the U.S. Supreme Court held that the minimum standard for effective assistance of counsel in constitutionally-mandated representation requires accurate, individualized advice on the risk of **all** penalties “enmeshed” with criminal charges or potential pleas. In short, defense attorneys must be sufficiently knowledgeable about the often complex and interwoven civil consequences of convictions to provide affirmative, competent advice. While the facts in *Padilla* involved the risk of deportation, other severe penalties “intimately related” to criminal convictions include public housing eligibility, employment, sex offense registration, voting, and student loans. Shortly after *Padilla*, the U.S. Court of Appeals for the 11th Circuit held in a *per curiam* decision that affirmative misadvice on the risk of civil commitment resulting from a plea is ineffective assistance of counsel.¹⁷

The Supreme Court’s standard of effective assistance of counsel in *Padilla* applies with equal force to other forms of mandated representation. Attorneys for parents facing child removal or termination of parental rights in abuse and neglect cases must also advise their clients about other civil consequences or penalties that are intimately related to the Family Court case. The removal of children has direct effects on eligibility for a wide range of public benefits, including cash assistance and public housing. Family Court findings, and even deferred adjudications in criminal court, can also lead to employment denials and bars to later serving as foster or adoptive parents. Immigrant parents must overcome additional hurdles – ineligibility for certain benefits, a Judge’s consideration of immigration status in assessing the stability of the home – to establish their legal entitlement to custody of their children. In some cases, Family Court findings may form the legal basis for expulsion from the country, and any admission by a non-citizen in Family Court may be used in deportation proceedings.

In *Padilla*, the Supreme Court has endorsed, and in many ways required, a more client-centered, holistic approach to all mandated representation by insisting that attorneys treat clients as whole people and build their advocacy around priorities defined by the needs of each individual and family they represent. At The Bronx Defenders, we’ve had the good fortune of receiving IOLA and other civil legal services funds to build collaboration between criminal defense, family defense, and civil legal services attorneys into daily practice through our integrated team structure. Additional strategies for ensuring that criminal and family defense attorneys can accurately advise clients about “collateral” consequences that are nearly always civil in nature include hotlines, online resource centers, and training and technical assistance grants. Because

¹⁷ See *Bauder v. Dept. of Corrections State of Florida*, 619 F.3d 1272 (11th Cir. 2010) (civil commitment). Most courts to address the issue after *Padilla* have continued to hold attorneys to high standards that explode the traditional “collateral/direct” consequences line. See, e.g., *Pridham v. Com.*, ___ S.W.3d ___, 2010 WL 4668961 (Ky. App. 2010) (parole eligibility); *Taylor v. State*, 698 S.E.2d 384, 388 (Ga. App. 2010) (sex offense registration); *Commonwealth v. Abraham*, 996 A.2d 1090 (Pa. Super. 2010) (forfeiture of pension), appeal granted and pending, ___ A.3d ___, 2010 WL 4840472; *Wilson v. State*, ___ P.3d ___, 2010 WL 5129204 (Alaska App. 2010) (civil liability for assault).

civil legal aid providers are the most likely advocates to have experience coping with the many “civil” penalties that arise in areas of traditional poverty law, the minimum standards of representation set in *Padilla* will necessitate leveraging existing funding streams for mandated representation to expand legal services to the thousands of New Yorkers whose legal problems stem from arrest or removal of children.

LESSONS FROM HOLISTIC PRACTICE

- *Legal services providers must be equipped to serve individuals and families with criminal histories and to meet all of their civil legal services needs.* The Division of Criminal Justice Services reports that in New York alone, over seven million people have some criminal record.¹⁸ We know that the vast majority of those people are concentrated in poor communities of color that are the traditional consumers of civil legal services.
- *Individuals with criminal records are a large legal services population with unique needs.* The future of civil legal services must prioritize funding for unique and effective intake streams and outreach efforts aimed at serving this group. Innovative collaborations between civil legal services and public defender offices must be supported.
- *Most clients will seek services first where they have received them before.* Because of our existing relationships with clients, many come to our office first when their public benefits are terminated, when they receive a letter suspending an employment license or a notice from a landlord.
- *Early intervention can avoid crises and mitigate more severe consequences down the road.* For a client with an open criminal case, a simple plea consult with a legal service provider can prevent deportation, preserve an employment license, or guard against eviction. Fixing a criminal record error or obtaining relief from civil disabilities is made easier by a strong working relationship with the client’s public defender. Coordination can mean a rapid return to work after the end of a criminal case.
- *No single advocate can deal with every situation, but teams working closely together with individual advocates expert in selected areas are well poised to help clients in any matter.* We have had tremendous success pairing clients with interdisciplinary teams. Because members of The Bronx Defenders staff are trained differently, they focus on issues an attorney in isolation might miss or undervalue, opening opportunities to connect clients with needed services.
- *A first-rate support infrastructure raises standards for services statewide.* Through our Reentry Net initiative, hosted by Pro Bono Net and built in collaboration with legal and social service providers statewide, we have trained thousands of advocates on proven strategies for navigating the consequences of criminal proceedings that their clients face every day. Our online resource library (www.reentry.net/ny), live support, and

¹⁸ DCJS reported 7,049,600 individual subjects in its criminal history file as of December 31, 2008. See Bureau of Justice Statistics, *Survey of State Criminal History Information Systems, 2008*, Table 2 (October 2009). States report more than 92 million individuals in their criminal history systems nationwide. *Id.* at 2.

substantive trainings have helped improve outcomes for thousands of people since our launch in 2005. Hundreds of users download over 20,000 individual resources—model briefing papers, training materials, tip sheets, sample letters, etc.—each month from our online libraries.

CONCLUSION

The Legal Services Corporation has the opportunity to adapt the structure and delivery of legal services to truly meet the needs of the large and critically underserved population of individuals with criminal records and their families. This group shares many of the same service priorities with the larger legal services client base: access to safety net and income supports; safe, permanent housing; anti-discrimination and labor standards enforcement; and a path out of overwhelming debt. They also share the same goals of stability and self-sufficiency.

New York practitioners have built an incredible foundation of expertise for serving this client base; replicable models exist here and in other states. Effective, cost-saving programs can reach clients with criminal justice involvement and address what can be complex legal problems early, before they become crises. These programs are client-centered and interdisciplinary. They leverage existing resources and client relationships to develop new intake streams and outreach strategies. Many in New York are already connected and supported by Reentry Net/NY and other formal and informal advocate networks. Many states have the experience and infrastructure necessary to deliver services that reflect reality—to educate ourselves and the people affected, to bridge the criminal-civil divide, and to incorporate an awareness of “collateral” consequences of criminal proceedings in our daily work. Achieving these goals will require leadership from the Legal Services Corporation, not least by dispelling the myth that clients with criminal justice involvement are separate from the legal services client base, or undeserving of representation. We hope that the Strategic Plan in development will put the highest priority on this crucial work as it shapes the future of civil legal services in this country.