

Five years after landmark criminal expungement law passed, Ohio attorneys remain busy with record sealing requests

Akron Law Professor Joann Sahl, standing, and law student Brittany Wilson, left, help two clients Aug. 26 during a reentry clinic at House of the Lord. Akron Law hosts monthly outreach events to help low-income Akron residents with criminal records get their records sealed and apply for a Certificate of Qualification for Employment, otherwise known as a CQE. (Photo courtesy of Akron Law)

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TRACEY BLAIR
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Five years ago, a new state law was passed that expanded opportunities for people to have criminal convictions expunged from their records.

Prior to Ohio Sen. Bill 337, which became effective on Sept. 28, 2012, those with more than one conviction and people convicted of nonsupport of a dependent were ineligible for record sealing.

Before the bill became law, only first offenders could have criminal convictions expunged. Senate Bill 337 allowed those with two unrelated misdemeanor convictions or a combination of one felony and one misdemeanor conviction to apply to have their convictions sealed.

Since then, Ohio attorneys have continued to see an influx of clients hoping to start over and rebuild their lives through expungement.

A vicious cycle

"When the law was changed to allow two convictions, it changed the way people are seeing those with a criminal record," said Dawn Spriggs, supervising attorney at Community Legal Aid, a nonprofit law firm that serves the legal needs of low-income people in central and northeast Ohio.

"Having a 'record' can create issues with employment opportunities, custody, or even purchasing a home."

According to a 2009 U.S. Department of Justice study, people with criminal convictions of any kind were 50 percent less likely to receive a job offer.

"The implications of that can be crushing," said Spriggs. "It can keep people from turning their lives around and changing for the better. And what's worse, it can impact future generations."

Past-due child support is a common issue Community Legal Aid attorneys see for expungement requests.

"If a parent can't get or hold a decent-paying job, how is he or she supposed to make child support payments? It's a vicious cycle, and the child becomes the victim," Spriggs said.

Akron Law clinics help ex-offenders

More than four years ago, volunteer attorneys and Akron Law students began a monthly outreach event to help low-income Akron residents who have criminal pasts get their records sealed.

Besides expungement assistance, those with criminal convictions can also apply for a Certificate of Qualification for Employment (CQE) during the Saturday events, which attract between 100 and 200 people per session.

The University of Akron School of Law's Reentry Clinics prepare Akron Law students for a career in the public sector while assisting with expungement and other issues that often go hand in hand with criminal records.

"More than 4,000 people have come since June 2013 to our outreach clinic," said Joann Sahl, an associate clinical professor of law who helps run the Reentry Clinics. "Since the expungement program began, we've sealed over 500 cases and done over 958 CQEs."

Expungement clinic volunteers conduct background searches, develop relationships with clients and represent the client in court.

If a client doesn't qualify for an expungement clinic, they may be eligible for a CQE. A CQE doesn't seal a criminal record, but is a court-issued certificate that allows a prospective employer or professional licensing authority to employ or license an ex-offender who holds the certificate.

"I consider the CQE to be the most exciting piece of legislation," said Sahl. "People with more than two convictions previously had no hope. Having a job is one of the key factors in not recidivating. The CQE says you've been rehabilitated and aren't a risk to hire. An employer isn't a risk for being sued."

"If you have a conviction that won't allow you to apply for a job, the CQE opens the door and allows you to apply. There are definitely employers who are willing to look past a criminal record."

Clients applying for a CQE fill out an online application stating why they are not a hiring risk. The application is sent to the Ohio Department of Corrections. The court seeks input from the prosecutor and an ex-offender's victims for input in deciding whether to issue a CQE.

Heather Staab, assistant clinical professor at Akron Law, said all Ohio licensing boards must consider the CQE.

Often, a client qualifies for both expungement and a CQE.

"One woman we helped was homeless," Staab said. "She wanted to become a home health aide but she had two convictions. Her record was sealed. Now, she's working full-time and she's able to take care of her kids."

The other reentry clinics at Akron Law are the Clemency Project, which trains students to handle pardon applications to the governor, and the Human Trafficking Clinic – which helps victims of human trafficking destroy their criminal records for solicitation or prostitution.

Record sealing just the beginning

Meanwhile, the majority of people who show up to the expungement and CQE clinics have yet another problem to contend with -- a suspended driver's license.

"If you don't have a driver's license, you have one heck of a problem," said William Dowling, an Akron attorney who heads the new VALID (Volunteers Assisting Licensed Individual Drivers) Clinic. "You can't cash a check. You can't get a job. So the idea was born to have volunteer lawyers trained to go through the bureaucracy of getting people's licenses back. That process can be mind-boggling, and often costs hundreds and thousands of dollars in multiple courts. We started holding clinics.

"We get a printout of people's driving abstract and tell them what they need to do to become licensed drivers again. It's a recipe to get your license back. We were shocked at how many people showed up to these clinics. We've helped a thousand people since we started."

VALID Clinics are held with the law school's reentry clinics.

"The courts are referring people to our clinics," said Dowling. "I think we're doing some good, and the people are almost universally appreciative. We give them a straightforward, step-by-step guide to the process."

[\[Back\]](#)