



# Advance

News from the San José State University Record Clearance Project

DEPARTMENT OF JUSTICE STUDIES, COLLEGE OF APPLIED SCIENCES AND ARTS

SPRING 2011



## The SJSU Record Clearance Project

“There is no way I could have done this by myself, and I want to thank all those who make this program possible for people like me.”

– RCP CLIENT

2011 has begun with great promise for the SJSU Record Clearance Project (RCP), its clients, students and friends. Now in its seventh semester, the RCP has engaged hundreds of undergraduates in assisting scores of eligible people to clear their criminal records.

As a result of having their records cleared based on the changes they have made in their lives, clients can get better jobs, qualify for student loans, serve as foster parents, improve housing opportunities and move forward in their lives. As students prepare petitions for court hearings each semester, they learn about the criminal justice system and about the circumstances in the lives of the people involved that led to their convictions.

Since September 2010, the RCP for the first time has:

- made **community education presentations** to approximately 170 people describing procedures available to clear criminal records and to publicize RCP services.
- held a **Speed Screening** session offering one-on-one consultations to inform clients regarding their individual options for dismissing convictions on their record.

*See our website for information regarding the next Speed Screening.*



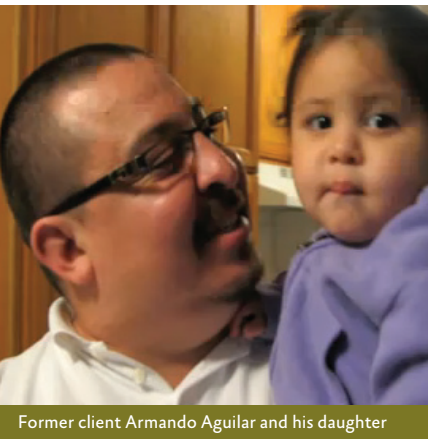
- appeared in a [video news report](#) by Kelsey Williams, a graduate student in journalism at Stanford. The video accompanied a [related print story](#) in the Peninsula Press.  
*We are seeking support for a video of RCP clients and students.*
- held a **practice court hearing** for clients at Santa Clara University Law School’s Moot Courtroom.  
*Our next prep session in the Law School’s Moot Courtroom is scheduled for May.*
- **trained interpreters** to assist monolingual Spanish-speaking clients at court hearings.  
*The next group of interpreters will be trained in April.*
- **presented testimony** at a hearing of the County Supervisor’s Public Safety and Justice Committee.
- **started a Practical Legal Skills class** as a prerequisite to RCP case-handling, to enable students to assist more clients more efficiently in the subsequent RCP class by getting training first.
- **partnered with CommUniverCity**, a community-SJSU-San José partnership to bring services to the Five Wounds-Brookwood Terrace area east of campus.  
*CommUniverCity, through Prof. Dayana Salazar, Community Director Imelda Rodriguez and San José’s Paul Pereira, has made possible hiring Justice Studies grad student Nishtha Jolly part-time as Project Coordinator.*
- set up a **website**: check out <http://www.sjsu.edu/justicestudies/research/rcp/index.htm>.

### These RCP “firsts” build on the strong foundation of work begun in January 2008:

- a **misdemeanor hearing** scheduled during class hours each semester so that all students are able to attend. Only SJSU RCP petitions are presented at this special, evening session; the Judge, Deputy District Attorney, Deputy Public Defender, Adult Probation Supervisor and court managers all volunteer to handle the cases. A question and answer session follows the hearing to enhance student understanding of the proceedings.  
*In November 2010, 9 petitioners submitted 35 petitions for consideration. The judge granted a substantial number.*  
*In Spring 2011, the RCP is preparing 45 petitions for 10 clients for a hearing on May 10.*
- **felony cases** are heard separately from misdemeanors.  
*In November 2010, 7 petitioners submitted 15 petitions, including requests to reduce eligible felonies to misdemeanors. The judge granted all petitions for dismissal and reduced all eligible felonies to misdemeanors.*  
*In Spring 2011, the RCP is preparing 19 felony petitions for 9 clients for a hearing on May 12.*
- **pro bono attorneys** supervised students’ casework and training, and accepted referrals.
- SJSU **Justice Studies Department faculty and staff** continued to promote the practical educational opportunities that RCP offers students.

“Being a part of this assignment has changed me in many ways that I can’t express in words. All I know is that I am not the same person that I was at the beginning of the semester.”

– RCP STUDENT



Former client Armando Aguilar and his daughter

- people whose records have been cleared, and others, attended a presentation at SJSU in December by the **National Employment Law Project**, on “Employment Rights of People with Criminal Records.”
- **community partners** continue to connect people needing services with RCP.  
*Center for Employment Training, Catholic Charities, Family Wellness Court/Drug Dependency Court parents, faith groups, and the McKinley Neighborhood Center are among collaborators.*
- **former clients** continue to speak with SJSU students, the media, potential funders, incoming clients and others regarding the RCP and what having their records cleared through the RCP has meant to them. After hearing three former clients speak about their experience, one student commented:  
“I will never forget those people or their stories, and I think I am a better person for having listened to them.”

### Among plans in 2011 are to:

- formalize our **Advisory Board** (to date we have been drawing on the generosity of individuals repeatedly.)
- discuss setting up a **separate felony calendar** for RCP cases as capacity increases, similar to the dedicated RCP misdemeanor calendar.
- **expand the pro bono assistance** by increasing the number of attorneys who supervise student case work and who accept referrals.
- finalize an **evaluation program** to guide improvements to RCP services.
- apply for **foundation and government grants**, and solicit **individual contributions** to gather the outside support needed for operation.
- explore expanding services to assist clients with **obtaining Certificates of Rehabilitation** and **sealing juvenile records**.
- begin **research to foster improved policy** in re-entry, criminal justice, and education programs.

“The record clearance experience was very humbling; a reminder that you can reach the very bottom and find the light again.”

– RCP STUDENT

## Community Presentations

The RCP educates the community about what they can do to clear their criminal record. RCP students and Project Director Peggy Stevenson have presented sessions of "How to Clear Your Criminal Records" to 170 people in 8 presentations.

The RCP would be pleased to present information to Santa Clara County community groups, in English or Spanish. Call (408) 924-2758 or write [margaret.stevenson@sjsu.edu](mailto:margaret.stevenson@sjsu.edu) for more information.

## Moot Court Hearing Helps Clients Prepare for Court

The "Judge" got up from the bench after each case. Then, while another "judge" took the bench, the first judge, the "District Attorney" and a student went into the hallway at Santa Clara Law School to talk about what just occurred.

This unusual scene took place in the SCU Law School moot courtroom five days before the real misdemeanor hearing in court. However, "It felt like the real thing," according to one client. "All that is missing is the guy with the badge and the gun."

The moot court hearing gave clients a chance to practice answering questions about the petitions that they filed in court, explaining how they had turned their lives around and asking a judge to dismiss their convictions. In turn, role-playing judges and district attorneys questioned clients regarding their past actions and their current situations, much the way a real judge would question these clients the following week.

Before the session, four volunteer judges and six volunteer Justice Studies graduate students reviewed the petitions that the RCP clients had submitted to court. Additionally, the RCP students who had prepared their cases highlighted some areas to focus on for questioning.

Then, while the clients answered judge's questions, and the DA's highlighted difficult issues raised by the petitions, the students took notes of how the clients responded. The hallway critique following helped many clients improve what they had to say, as well as calm their nerves. The RCP and clients are grateful to **Santa Clara University Law School** and SCU Professor **Ellen Kreitzberg** for enabling this helpful session to occur.

Based on its success, the session will be repeated at the Moot Courtroom to prepare clients for their May 2011 hearings.

## Interpreters for Non-English-Speaking RCP Clients



RCP student Humberto Retana assisted an agricultural worker from Gilroy in Spanish

In Spring 2010, the RCP assisted its first client in Spanish, with Spanish-speaking students helping to prepare the client's petition. Public interest attorney **Sylvia Kennedy** volunteered to interpret.

In Fall 2010, another client needed interpreting assistance. Again, Spanish-speaking RCP students, including **Humberto Retana**, helped prepare the petitions, this time for a monolingual Spanish-speaking fieldworker from Gilroy who had two convictions from the 1980s.

In October, RCP Project Director Peggy Stevenson trained several volunteers on how to do court interpreting, and student volunteer **Alicia Meza** assisted. (Attorney **Salena Copeland** and assistant **Grace Yasumura** from the **Public Interest Clearinghouse** in San Francisco videotaped the training.)

The training will be repeated in April 2011 to recruit available volunteer interpreters unaffiliated with RCP clients to provide services in several languages.

SJSU students offer broad language capacity: students working with the RCP have spoken at least 13 languages in addition to English.

## Speed Screening

Community members have a lot of questions regarding which of their convictions are eligible for dismissal. Services in Santa Clara County are few: the Fresh Start expungement program at the Public Defender's office shut down for lack of funding after helping hundreds of people.

The RCP launched "Speed Screening" in an effort to meet with individual clients to advise them which of their convictions could be dismissed and the "next steps" for them to do so. On Thursday, December 16, 2010, thirteen student interviewers spoke with 21 individuals. While waiting for their interviews, people listened to a presentation on "Employment Rights and Criminal Records," given by National Employment Law Project (NELP) attorney **Madeline Neighly**, with NELP attorney **Michelle Rodriguez**. (Madeline also volunteers to supervise student work as a pro bono attorney assisting with the RCP.)

Within two hours, the 21 clients had a better understanding about what they could do to get convictions off their record.



NELP Attorney Madeline Neighly presents information

## Testimony to County Public Safety & Justice Committee

On November 4, 2010, SJSU student **Rayven Nolt** spoke at the Public Safety & Justice Committee meeting of the Board of Supervisors. Public Defender **Mary Greenwood** presented a [report](#) on the impressive result of the Public Defender's Fresh Start program that helped people clear records on a non-renewable one-year grant.

Rayven, who works with the RCP and volunteers at the Public Defender's office, testified regarding the rewards of her experience working with clients and how important clearing their records has been to residents of Santa Clara County.

While sympathetic, the Supervisors lacked funds to continue the Public Defender program. The need for services remains high.

## SJSU Faculty and Staff Assist

Since the RCP has no administrative assistance until February 2011, it puts a heavy burden on the **Justice Studies Department** and other SJSU resources as it expands. Justice Studies Department Chair **Mark Correia** encouraged and developed the RCP into a broader, stronger program during 2010. Without his suggestions and direction, the RCP would not be operating at this level, and these accomplishments would not have occurred.



Student Alejandro Viramontes interviewed several clients during Speed Screening

Dean of College of Applied Sciences and Arts **Charles Bullock** has enabled the RCP to focus on program growth for this interim period before grant and individual funding can be raised. His commitment to “deep learning” and experiential education is evidenced by the RCP’s achievements and real results.

Prof. **Danielle Harris** has broadly fostered the RCP from its early days, responding to press inquiries, serving as moot court “judge,” involving her graduate student class, and generating ideas for research to inform reentry policy in the future. Justice Studies faculty members **Phil Carr, Susie Rivera, Pam Serrano** and others have attended hearings and supported the RCP work as well.

The invaluable support for a student Project Coordinator in February 2011 came from CommUniverCity’s Prof. **Dayana Salazar**, Executive Director of CommUniverCity San José, and Chair and Professor of SJSU’s Urban and Regional Planning Department.

Justice Studies departmental assistants **Gilbert Villarreal** and **Nikki Gutierrez** have gone way “above and beyond” with the RCP, especially since, as the only support staff for the Justice Studies Department, their time is exceedingly scarce.

The vision and support of the late professor and former Justice Studies Chair **Ann Lucas** helped launch the RCP and made it possible to cover some filing fees for indigent clients.



Supervising Attorneys Alvaro Amanza, Emily Galvin discuss client’s situation with student interviewers Courtney Streeter, Danny Yu (back)



With over 250 SJSU students involved in filing 221 petitions on behalf of clients, the Record Clearance Project has affected the lives of many people in positive ways

## Donate to the Record Clearance Project

Please support this important community and educational work with a much-needed donation. SJSU is a 501c3 organization; donations are tax-deductible.

**For on-line donations**, click on the “Give” button at <http://www.sjsu.edu/towerfoundation/>. Note the “Record Clearance Project” in the “Other” category to designate your donation for the RCP.

**To donate by mail**, make checks payable to “Tower Foundation of SJSU” with “Record Clearance Project” written in the memo line. Mail your check to:

**Advancement Services  
C/O The Tower Foundation  
One Washington Square  
San Jose, CA 95192-0256**

The Tower Foundation is SJSU’s auxiliary organization dedicated solely to philanthropy, assisting with the development, investment, administration and banking of all SJSU philanthropic donations.

## Donors

The SJSU Record Clearance Project is deeply grateful to the early donors who helped sustain the RCP in 2010. Please join their ranks as leaders to help expand the RCP's work in 2011.

Kazan, McClain, Abrams, Fernandez, Lyons, Greenwood, Harley & Oberman Foundation, Inc.

Morrison & Foerster Foundation

Rosen, Bien & Galvan LLP

Wilson Sonsini Goodrich & Rosati Foundation

## RCP Volunteers

The RCP could not function without an extraordinary group of volunteers. Among those making the RCP possible are:

### Pro bono attorneys

Shaun Naidu

Madeline Neighly

Harold Peterson

Amy Whelan

### Misdemeanor hearing

The following people have volunteered to participate in an evening hearing at which approximately 60 SJSU petitions are presented each semester; a question and answer session follows.

Judge Shawna Schwarz

Deputy Public Defender Jaime Alvarez

Deputy Public Defender Shelyna Brown

Court Manager Terri Cain

Deputy Public Defender JJ Kapp

Deputy Public Defender Neha Nagrath

Retired Court Manager Roberta Stibbard

Adult Probation Officer Jana Taylor (SJSU '90)

Court Manager Linda Vallejos

Deputy District Attorney Katarina Wells (SJSU '86)

Also, Probation Department case processing assistance from

**José Trujillo**, and court clerk case handling and processing assistance from **Nick Resz, Rosa Sanchez, Adrina Roman-Castillo** and other court clerks are gratefully acknowledged.

## Moot Court hearing

The following individuals volunteered to help prepare clients for their court hearings.

### "District Attorneys"

Manny Barragan

Eduardo Bautista

James Gatts

Nishtha Jolly

Kristy Silva

Jennifer Sparks

Alyssa Stupi

### "Judges"

Danielle Harris

JJ Kapp

Paul McNamara

Harold Peterson

Special thanks to Prof. **Ellen Kreitzberg** of Santa Clara University Law School for enabling the RCP to hold the moot hearing at SCU's Moot Courtroom.

## Speed Screening

### Student interviewers

Nick Arango

Rishi Chopra

Anthony Delmonico

Nhung Lai

Rayven Nolt

Shantel Nolt

Humberto Retana

Silvia Rodriguez

Jose Rojo

Courtney Streeter

Alejandro Viramontes

Casey Whelan

Danny Yu

## Speed Screening pro bono attorney supervisors

Alvaro Almanza  
Emily Galvin  
Shaun Naidu  
Harold Peterson

## Other Speed Screening volunteers

Anthony Delmonico  
Jason Eagle  
Adam King  
Francisco Márquez  
Andrés Martínez (JS '08)  
José Villegas

## CommUniverCity San José partners

Paul Pereira  
Imelda Rodriguez  
Prof. Dayana Salazar

## Other RCP assistance

Armando Aguilar	Alicia Meza
Trevor Bottorff	Shelbie Morris
Deanna Burneikis, Esq.	Jill Ornellas
Winnonah Carlos	Holly Ramírez
Phil Carr	Griselda Santiago
Trina Carr	Diane Satriano
Angelina Gallardo	Craig Sherod <a href="http://www.craigsherodphoto.com">www.craigsherodphoto.com</a>
David Harris	Monica Smith
Lane Jimison	
Robert Jones	
Sylvia Kennedy, Esq.	
Adam King	
Andrés Martínez	
Flora Mata	
Pastor Lionel Mata	
William McAlister	
Paul McNamara	

## RCP in numbers

Petitions filed to date	221
Plus pending petitions	64
Community education participants (approximately)	170
SJSU students involved	254

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“Since I am employed in [law enforcement], working with a former defendant was a little difficult for me. I believed that any individual who committed a crime against another person or society should be held accountable and receive no special treatment. I was a true believer that those crimes should always be a part of the defendant’s criminal history for the rest of their lives. **That was until I met [our client.]**”

– RCP STUDENT

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Dedicated to the RCP clients, whose courage and tenacity is a testament to the human spirit’s ability to overcome obstacles with astonishing grace and power.

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Photo credits: Jason Eagle, Kelsey Williams