



Relief in the Making: The Policy, Implementation, and Impact of Rights Restoration Laws

THURSDAY, April 11, 2024

1 – 1:30 p.m. | First Floor Lobby, Drinko Hall

Registration

1:30 – 3 p.m. | Vorys Faculty Lounge (Room 314), Drinko Hall

Paper Workshop 1

“Analyzing the Intersection of Cannabis Legalization and Expungement: Promises, Limits, and Potential for Harm Reduction”

Kathleen Powell (presenting author), Drexel University; Sarah Lageson, Rutgers University; Nathan Link, Rutgers University; Jordan Hyatt, Drexel University; Christopher Uggen, University of Minnesota; Loni Tabb, Drexel University

Discussant: Douglas Berman, Newton D. Baker-Baker & Hostetler Chair in Law; Executive Director of the Drug Enforcement and Policy Center, Moritz College of Law at The Ohio State University

“The Promise and Pitfalls of Cannabis Record Clearance: A Case Study”

Adrian Rocha (presenting author), Sarah Gersten, Frank Stiefel, Last Prisoner Project

Discussant: Laura Chavez, Director of Research and Data, Clean Slate Initiative

“Discretion and Uniformity in Criminal Record Clearance: Balancing Fairness and Accountability”

Jessica Kelley (presenting author), Laura Chavez, Sam Sinyangwe, Clean Slate Initiative

Discussant: Margaret Love, Director, Collateral Consequences Resource Center

“Smart and Safe Arizona Act”

Jason Kalish (presenting author), Bureau Chief, Maricopa County Attorney’s Office

Discussant: Katie Svoboda-Kindle, Senior Staff Attorney, Community Legal Services of Philadelphia

3 – 4:30 p.m. | Vorys Faculty Lounge (Room 314), Drinko Hall

Paper Workshop 2

“A Survey of Criminal Record Expungement Applicants under Michigan’s 2020 Clean Slate Legislation”

Mira Edmonds (presenting author), J.J. Prescott, University of Michigan Law School; Sonja Starr, University of Chicago Law School

Discussant: Anna Roberts, Professor of Law, Brooklyn Law School

“Understanding the Intent and Impact of Clean Slate Policies”

Kristin Bechtel (presenting author), Beth Husted, Pamela Knox-Lattimore, RTI International

Discussant: Sarah Lageson, Associate Professor, School of Criminal Justice, Rutgers University

“Free But Not Free: Addressing the Collateral Consequences of a Criminal Background”

Terrance Hinton (presenting author), Department of Sociology, The Ohio State University

Discussant: Joann Sahl, Clinical Professor of Law and Director of the Reentry Clinic, University of Akron

“Employers as Arbiters of Injustice: The Toll of Justice Involvement on Individual Financial Wellbeing”

Rebecca Xie (presenting author), John Glenn College of Public Affairs, The Ohio State University

Discussant: Alessandro Corda, Senior Lecturer and Director, Institute of Criminology and Criminal Justice, Queen's University Belfast School of Law

“Civil Death and Labor Market Alienation: Occupational Restrictions and Inadequate Relief in Clean Slate Efforts”

Matt Saleh (presenting author), Criminal Justice and Employment Initiative, Cornell University; Jason Hoge, Legal Assistance of Western New York; Ethan Mulroy, Cornell University

Discussant: Alec Ewald, Associate Professor, Department of Political Science, University of Vermont

1:30 – 3 p.m. | Room 244, Drinko Hall

Collateral Consequences and Record Sealing in Ohio (1 Hour of CLE Credit Approved)

The fact that a criminal record can have a negative impact on one’s life trajectory is a generally well-known fact. Yet, the public and the criminal justice community have only a vague understanding of the extent of the collateral consequences imposed on people with criminal records; there is also limited realization that often the impact of collateral consequences continues long after a person completes their court-mandated sentence. This session will focus on educating attendees on the breadth of collateral consequences under Ohio law, and what remedies are currently available to those with a criminal record in Ohio. This session will highlight recent legal reforms, which is especially important as the record relief laws in Ohio have undergone substantial changes over the last decade significantly broadening record sealing and expungement eligibility criteria.

Presenters:

- **Kevin Werner**, Policy Director, Ohio Justice & Policy Center
- **LaToya Bell**, Deputy Director, Ohio Justice & Policy Center
- **Ashley Ward**, Ohio Access to Justice Foundation Justice for All Fellow, Second Chance Project, Ohio Justice & Policy Center

3:30 – 5:30 p.m.

Break

5:30 – 6 p.m. | Barrister Club

Welcome Reception

6 – 7:30 p.m. | Barrister Club

Dinner and Panel Discussion: Collateral Consequences in Law School Pedagogy

The topics of collateral consequences and opportunities for record relief are largely missing from law school curricula and accompanying textbooks. While mass incarceration and excessive sentencing are now covered more in traditional criminal law classes, the extent to which people with criminal records continue to be punished long after finishing their sentence is rarely discussed even though the long-lasting impact on one’s life trajectory can be tremendous. How should students be taught about collateral consequences in modern law school (or even in other parts of higher education)? And what problems result from students not being taught about, or even exposed to, the law and policies of collateral consequences and possible relief remedies? The dinner discussion will dive deep into these and other related questions in an effort to identify ways in which these topics could be incorporated in the future.

Panelists:

- **Joann Sahl**, Clinical Professor of Law and Director of the Reentry Clinic, University of Akron
- **Nora Demleitner**, President, St. John’s College

FRIDAY, April 12, 2024

8 – 8:30 a.m. | First Floor Lobby, Drinko Hall

Light Breakfast and Registration

8:30 – 9:45 a.m. | Saxbe Auditorium, Drinko Hall

Panel 1: Theories and Deep Thoughts about Collateral Consequences and Record Relief in the Criminal Justice System (1 Hour of CLE Credit Approved)

The American public and criminal justice system has long accepted the existence of the wide web of collateral consequences at both the state and federal levels. This acceptance results in a lack of debate and discussion as to what express and implicit purposes are served by collateral sanction and record relief remedies. Do purposes matter in assessing either the constitutionality or the application of either collateral consequences or record relief provisions? Do different collateral sanctions and record relief laws serve distinct purposes? This opening panel will provide an opportunity to discuss various broad conceptual ideas and values that are necessarily engaged, but not often discussed, in analyses of collateral consequences and record relief.

Moderator:

- **Douglas Berman**, Newton D. Baker-Baker & Hostetler Chair in Law; Executive Director of the Drug Enforcement and Policy Center, Moritz College of Law at The Ohio State University

Panelists:

- **Terrance Hinton**, Lecturer, Department of Sociology; Researcher, Criminal Justice Research Center, The Ohio State University
- **Anna Roberts**, Professor of Law, Brooklyn Law School
- **Terry Green**, Founder and Chief Executive Officer, Think Make Live Youth
- **Margaret Love**, Director, Collateral Consequences Resource Center

9:45 – 11 a.m. | Saxbe Auditorium, Drinko Hall

Panel 2: The Players and the Politics of Record Relief: The Role of and Impact on Judges, Prosecutors, Defense Attorneys, and Other Service Providers (1 Hour of CLE Credit Approved)

The criminal justice system consists of many different actors, often with competing priorities and diverse viewpoints on matters of criminal justice policy, including record relief and collateral consequences. While some of these differences might stem from distinct philosophical beliefs, they are also the result of the impact record relief laws have on these actors and their work. Understanding this impact is crucial to designing effective and implementable policies and gaining buy-in from essential stakeholders. This panel will focus on questions of which actors should be of particular focus to advocates and policymakers, and whether actors, who are traditionally not involved in criminal justice adjudications, could play a significant role in record relief processes. Should legislatures and other policy makers be focused more on the legal rules for record relief or on providing funding and other support for other actors seeking to operationalize these rules?

Moderator:

- **Douglas Berman**, Newton D. Baker-Baker & Hostetler Chair in Law; Executive Director of the Drug Enforcement and Policy Center, Moritz College of Law at The Ohio State University

Panelists:

- **Alessandro Corda**, Senior Lecturer and Director, Institute of Criminology and Criminal Justice, Queen's University Belfast School of Law
- **Alec Ewald**, Associate Professor, Department of Political Science, University of Vermont
- **Louis Tobin**, Executive Director, Ohio Prosecuting Attorneys Association
- **Representative Tarra Simmons**, Washington State

11 – 11:15 a.m.

Break

11:15 a.m. – 12:45 p.m. | Saxbe Auditorium, Drinko Hall

Panel 3: Reviewing/Rethinking Relief Restrictions and Uptake Realities and Challenges (1 Hour of CLE Credit Approved)

Research on barriers to the uptake of record sealing has suggested that a very small percentage of persons who are eligible for record relief actually seek to apply under record relief laws. These realities have led to newer reforms providing for more automatic mechanisms for record relief, but research has yet to fully detail the impact of government-initiated record sealings – are they qualitatively the same as when someone must file a petition? This panel will explore the operation and implementation of record sealing across a range of legal models, as well as whether and how the process for relief may impact the scope of available relief.

Moderator:

- **Douglas Berman**, Newton D. Baker-Baker & Hostetler Chair in Law; Executive Director of the Drug Enforcement and Policy Center, Moritz College of Law at The Ohio State University

Panelists:

- **J.J. Prescott**, Professor, University of Michigan Law School
- **Laura Chavez**, Director of Research and Data, Clean Slate Initiative
- **James Greiner**, Professor and Faculty Director of the A2J Lab, Harvard Law School
- **Sarah Lageson**, Associate Professor, School of Criminal Justice, Rutgers University

12:45 – 1:30 p.m.

Break and Lunch

1:30 – 2:45 p.m. | Saxbe Auditorium, Drinko Hall

Panel 4: Expungement Derailed by Data: The Good, the Bad, and the Ugly About Records and Modern Technologies (1 Hour of CLE Credit Approved)

The negative effects of criminal records on employment, housing, and other elements critical to successfully integrating into society have led advocates and policymakers to push for efforts to simplify the processes for expunging or sealing criminal records. These efforts are attempting to move the processes from cumbersome and often expensive petition-based processes to “automated” or perhaps more accurately “state-initiated” processes. Successful implementation of these state-initiated processes is contingent on the availability of data to identify those eligible for record expungement. The more criteria are applied to establishing eligibility the more formidable the challenge to successful implementation. This panel will explore data issues associated with three stages of expungement reform: (1) framing the legislation; (2) implementing the legislation; and (3) evaluating the impact of implementation.

Moderator:

- **Kristin Bechtel**, Principal Scientist, RTI International

Panelists:

- **Pamela Knox-Lattimore**, Principal Scientist, Justice Practice Area, RTI International
- **Sam Sinyangwe**, Data Scientist, Clean State Initiative
- **David Roberts**, Executive Director, SEARCH Group, Inc.
- **Micah Derry**, President & CEO, The Adams Project
- **Katie Svoboda-Kindle**, Senior Staff Attorney, Community Legal Services of Philadelphia