

## Evaluating the Case Outcomes of Clients Served at Clean Slate Clinics

### Executive Summary

#### Background

OneJustice is a legal aid support center with offices in San Francisco and Los Angeles. Its Justice Bus Project takes teams of attorney and law student volunteers from urban areas to set up free legal clinics for low-income Californians living in rural and isolated communities. The Justice Bus is an example of limited scope services that have increasingly been adopted as a strategy to expand access to legal assistance for low-income communities. This study evaluates whether Justice Bus clean slate clinics are effective in helping clients to obtain criminal record clearance remedies and builds on previous studies examining limited scope services in legal aid.

#### Methodology

The evaluation was designed as a follow-up study to determine the proportion of clients served at clean slate clinics that successfully obtain criminal record clearance remedies. A sample of 104 clients served at six clean slate clinics in fiscal year 2018-19 were selected for inclusion in the study. Administrative data from clinics was used to determine whether each of the clients in the sample left the clinic ready to file for a criminal record clearance remedy. Those clients ready to file were then entered into a sample for case tracking. The criminal cases of these clients were tracked over a period of six to twelve months to assess whether a petition was filed and a remedy successfully obtained. Some of these clients were expected to file by themselves, whereas others received filing assistance from a Public Defender. This was an observational study and does not provide direct evidence of the causal impact of the program.

#### Findings

The evaluation suggests that Justice Bus clinics are partially successful in supporting clients to obtain criminal record clearance remedies. Over half (56.7%) of clients served left clinics ready to file for a criminal record clearance remedy. Among clients entered in the sample for case tracking, just over two thirds (67.5%) successfully filed for a criminal record clearance remedy in court and just over half (52.5%) were granted a remedy.

Arrangements for post-clinic filing seem critical to success. Clients receiving post-clinic filing assistance from Public Defenders acting as supervising attorneys for Justice Bus clinics almost always filed (93.3%). In contrast, just over half of clients expected to file by themselves were successful (52.0%). Taken together, the evaluation findings suggest that the limited scope model for criminal record clearance is broadly viable provided that the key ingredient of petition filing is adequately supported after the clinic.

## Introduction

### OneJustice's Clean Slate clinics

OneJustice is a legal aid support center with offices in San Francisco and Los Angeles. The organization's mission is to bring life-changing legal help to those in need by transforming the civil legal aid system. Through its Pro Bono Justice program, OneJustice aims to leverage the time, skills, and enthusiasm of experienced legal professionals for the benefit of underserved communities.<sup>1</sup>

The Justice Bus is a core project within OneJustice's Pro Bono Justice Program.<sup>2</sup> The Justice Bus Project takes teams of attorney and law student volunteers from urban areas to set up free legal clinics for low-income Californians living in rural and isolated communities, usually in partnership with either local legal services organizations, community based organizations, and/or Public Defender offices. Since the first Justice Bus trip in 2007, the project has completed over 350 legal clinics in 43 of California's 58 counties. The Justice Bus is an example of limited scope services that have increasingly been adopted as a strategy to expand access to legal services for low-income communities.

Clean slate services were first offered at Justice Bus clinics in 2009 and have since grown to comprise a significant portion of the project's services. In fiscal year 2018-19, the Justice Bus project completed 22 clean slate clinics and served 365 clients. Clean slate clinics aim to help clients clean up their criminal records by accessing relevant legal remedies. The remedies typically sought include Set Aside and Dismissal, Felony Reduction and Proposition 47 Reclassifications.<sup>3</sup> Clean slate services are provided to help clients access these remedies and thereby reduce the collateral impacts of having a criminal record, such as barriers to housing and employment. A study drawing on data from the Clean Slate clinic at the East Bay Community Law Center in Berkeley, CA, suggests that record clearing interventions increased participants' employment rates and earnings.<sup>4</sup>

### The context for evaluation

The present study was planned to evaluate whether Justice Bus clean slate clinics are effective in helping clients to obtain clean slate remedies. The need for evaluation arises because clients' participation in clinic services does not automatically imply that a remedy is obtained. Some clients may not in fact be eligible for remedies or may not be prepared to file. Among those that are prepared to file, a number of subsequent steps are required, such as serving parties, filing papers at the court and attending hearings. As the goal of the Justice Bus clean slate clinics is to help clients access these remedies, it is important to evaluate whether the intended case outcomes are ultimately obtained.

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<sup>1</sup> <https://onejustice.org/probonojustice/> (accessed 1/9/2020)

<sup>2</sup> <https://onejustice.org/probonojustice/justice-bus-project/> (accessed 1/9/2020)

<sup>3</sup> For an overview of this criminal record cleaning remedies in California, see: <https://www.courts.ca.gov/1070.htm?rdeLocaleAttr=en> (accessed 1/9/2020)

<sup>4</sup> Selbin, J., McCrary, J. & Epstein, J. (2017). Unmarked? Criminal record clearing and employment outcomes. *Journal of Criminal Law and Criminology*, Vol.108 (1).



This study builds on previous studies examining limited scope services in legal aid. “Limited scope” or “unbundled” legal services are designed to assist clients with a discrete legal task rather than providing full representation. Jessica Steinberg’s comparative study of eviction cases in San Mateo, CA, found that tenants receiving limited scope services (such as ghostwriting answers and negotiation assistance) did not obtain significantly better case outcomes than unrepresented tenants. Reflecting on the implications of these findings for limited scope services more generally, Steinberg suggests that *“...legal cases resolved on the basis of written submissions, rather than court appearances, might be good candidates for unbundled assistance. Litigants who obtain immigration visas and criminal records expungements in this manner might be able to utilize attorney drafting assistance to achieve a better result, even if no further aid is provided.”*<sup>5</sup> By focusing on the context of criminal record clearance, this study seeks to further develop our knowledge about the effectiveness of limited scope services in different contexts.

The study was completed as an internal evaluation project by OneJustice. We are grateful to the Thomas J. Long Foundation for providing funding to develop our evaluation capacity.

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<sup>5</sup> Steinberg, J.K. (2011). In Pursuit of Justice? Case Outcomes and the Delivery of Unbundled Legal Services. *Georgetown Journal on Poverty Law & Policy*, Vol.18 (3), pp.453 - 505.



## Description of OneJustice's Clean Slate clinics

### Overview

Clean Slate clinics follow a similar model to many limited-scope legal clinics in legal aid. The clinic is scheduled for a specific day in community venue. The event is publicized and prospective clients either sign-up for an appointment in advance or walk in on the day of the clinic. Once clients have signed in and completed an intake form, they are assisted with their legal matter by a pro bono volunteer working under the supervision of an experienced supervising attorney. In a typical clinic, around fifteen clients are served in this manner. Specific aspects of the Clean Slate clinics relevant to this evaluation are described below.

### Clinic locations

As the Justice Bus seeks to broaden geographic access to legal services, clinics are held in locations that have fewer legal aid resources than the major metropolitan areas of San Francisco and Los Angeles. The most common locations in the last fiscal year were Stockton in San Joaquin County and Santa Barbara in Santa Barbara County. This evaluation is based on data from these two sites.

### Clinic partners and pro bono volunteers

In both San Joaquin and Santa Barbara, attorneys from local Public Defender's offices acted as supervising attorneys (in a few instances, joined by private criminal defense attorneys working pro bono).

For the Justice Bus project, pro bono volunteers are recruited in groups rather than as individuals. Clinics in San Joaquin are typically staffed by attorneys working in law firms or corporations, whereas clinics in Santa Barbara are typically staffed by law students from Pepperdine Law School. Pro bono volunteers are provided with training materials prior to the clinic and also receive training on the day.

### Client engagement

Publicity and outreach for clean slate clinics is coordinated with local community partners. Prospective clients are invited to call the OneJustice office to schedule an appointment in advance of the clinic. At this stage, OneJustice staff request contact information and conduct basic pre-screening before scheduling an appointment for an upcoming clinic. The pre-screening is designed to increase the chances that prospective clients scheduled for an appointment will be eligible for services and have the paperwork required. In particular, OneJustice confirm that the prospective client has obtained a California Department of Justice RAP sheet listing their criminal convictions. As this can create a barrier to clients, OneJustice has started hosting free LiveScan clinics to help clients complete the fingerprinting necessary to apply for a RAP sheet.



### Legal services

The legal services provided at the clinic comprise a number of stages. First the client and pro bono volunteer sign a limited scope engagement agreement and confidentiality agreement. The pro bono volunteer then checks the client's intake form and completes a detailed screening of the RAP sheet and/or other relevant records to assess the client's eligibility for record clearing remedies. The supervising attorney checks the results of this screening before the pro bono volunteer completes the relevant petitions and other paperwork required. This process is documented by hand for each of the client's criminal cases in a worksheet. Once the pro bono volunteer has completed the legal work, the client is asked to complete check-out with a member of OneJustice staff.

### Differences in post-clinic filing support

In the course of implementing this evaluation, a significant difference was identified in post-clinic filing support between the two OneJustice clinic sites. In San Joaquin, the Public Defenders would in many cases take responsibility for filing petitions for in-county criminal convictions. In Santa Barbara, there was a less formalized relationship for post-clinic filing support with the Public Defenders, and in most cases clients were expected to file by themselves. This divergence in post-clinic filing support was a natural variation in the types of partnerships that had developed with Public Defenders over time.

## Evaluation Methodology

### Overview

The evaluation was designed to answer the following overarching question: What proportion of clients served at Clean Slate clinics successfully obtain criminal record remedies?

This was broken down into three subsidiary questions reflecting the stages of progress towards successfully obtaining a remedy:

1. *Readiness*: what proportion of clients served are ready to file for a remedy?
2. *Filing*: what proportion of clients served successfully file in court?
3. *Outcomes*: what proportion of clients served successfully obtain a remedy?

To answer this question, the evaluation was designed as a follow-up study to evaluate client outcomes.<sup>6</sup> A sample of clients served at Clean Slate clinics were selected for inclusion in the study. Administrative data from clinics was used to determine whether each of the clients in the sample left the clinic ready to file a remedy. Those clients ready to file were then entered into a sample for case tracking. The criminal cases of these clients were tracked over a period of time to assess whether a petition was filed and a remedy successfully obtained. The sample design, data collection, data analysis and limitations of this evaluation methodology are discussed in further detail below.

### Sample design

#### *Overview*

The sample of clients was selected in three stages. First a subset of clinics were selected for inclusion in the study. Second, all clients served at these clinics were then entered into the main client sample and assessed for readiness. Third, a subset of clients whose progress could be tracked using online criminal dockets was retained in the sample for case tracking.

#### *Clinic Selection*

Six clinics of the twenty-two clinics held in FY1819 were selected for inclusion in the sample: three clinics held in San Joaquin and three in Santa Barbara. This number of clinics was selected in order to achieve a minimum sample size of clients for follow-up. Clinics were selected in San Joaquin and Santa Barbara primarily for reasons of feasibility and convenience. Clean Slate clinics were regularly held in these locations and it was therefore easier to implement evaluation protocols. The superior courts in both counties also offer online access to criminal dockets that enabled remote tracking of criminal cases. This probably introduced a positive bias into the results because the data is based on services delivered in more stable environments.

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<sup>6</sup> The methodology for this study can be categorized under Section 4, Outcomes Evaluation, under the rubric provided by the Harvard Access to Justice Lab. See: <http://a2jlab.org/wp-content/uploads/2018/05/A2JLab-Evaluation-Chart.pdf> (accessed 1/9/2020)

### *Client selection: Main Sample*

All clients served at these six clinics were entered into the main client sample. A total of 104 clients were included in this sample.

As clients were entered into the sample, administrative data from clinics was used to determine whether each of the clients in the sample left the clinic ready to file a remedy relating to at least one criminal conviction.

In some instances, the administrative paperwork was unclear whether a client was ready to file and in these situations the client was not included in the sample. It is therefore possible that the proportion of clients ready to file will be slightly underestimated as a result.

### *Client Selection: Online-only Sample for Case Tracking*

Those clients determined ready to file were entered into the sample for case tracking. For each client, relevant criminal case numbers and associated information were listed in a database. The quality of data available from the handwritten worksheets completed in the clinics was mixed, and unfortunately often did not include a clear indication as to whether the remedy sought was mandatory or discretionary.

At this stage, clients who only had criminal cases in counties that *do not* offer online criminal dockets visible to the public were excluded from the sample. The remaining sample of clients/cases was therefore an online-only sample. This probably introduced a positive bias into the results because the courts that do not offer online criminal dockets are out-of-county relative to the clinic locations and are likely to have been more difficult for clients to access for filing.

### Data collection

Data was collected for all criminal cases listed in the database of clients retained in the online-only sample. When each case was eligible for review, the case was accessed remotely through the online docket and inspected to determine whether the following events had occurred:

1. *Filing*: whether a petition was recorded as filed
2. *Outcome*: if heard and disposed, whether the petition was granted

Data collection was staggered as the client sample accumulated over time as new clinics were held. At the outset, it was unclear how much time would typically be required for filing and disposition. Preliminary reviews were conducted to better understand the timeframes and a final review was conducted prior to data analysis. The cases received a final review at an interval ranging from 6 to 12 months from the date of the clinic, with an average of 9 months. It is possible that some filings may have been completed outside of this window for follow-up and a small fraction of cases filed had not been disposed by the time of final review.

## Data analysis

### *Client-level analysis*

The analysis was conducted at the client-level rather than the case-level. In situations where clients had multiple petitions, the results were aggregated to establish the number of petitions filed or granted for each client. The analysis primarily focuses on whether *at least one* of the petitions prepared had been filed or granted. Where relevant, the analysis also considers whether *all* of the petitions for a client were filed or granted. The alternative strategy of analyzing the data at the case level would have caused the results to be heavily skewed by a small number of clients with a large number of cases.

### *Limited subgroup analysis*

The primary analysis is based on aggregated data from both San Joaquin and Santa Barbara sites. The differences in post-clinic filing support noted above are part of the natural variation that has arisen within the program and therefore both models should be reflected in the primary results.

An exploratory secondary analysis is provided comparing clients who were expected to file by themselves and those receiving assistance from the Public Defender. This analysis is conducted to help develop theory about the forms of post-clinic filing support that are more and less effective. However, as this difference in filing support was not experimentally applied, any differences in results do not provide confirmatory evidence about the most effective form of post-clinic filing support.

## Ethical considerations

OneJustice's standard clinic materials were modified to request client consent for tracking their case information.

## Limitations

In addition to the limitations and potential biases identified above, the evaluation methodology did not include any feedback from clients and therefore provides no information about their experiences, decision-making and factors that may have helped and hindered them in the process.

The study also does not provide any evidence on the causal impact of Clean Slate clinics. In other words, the study does not seek to compare the outcomes of clients receiving clinic services with a control group of similarly situated clients who did not receive these services.

## Results: Client Outcomes from Clean Slate Clinics

### Question 1. Readiness: what proportion of clients are ready to file for a remedy?

Table 1 below summarizes the data on readiness to file for the 104 clients included in the main sample.

	N	Proportion
Ready to file	59	56.7%
Not ready	45	43.3%
<b>Total</b>	<b>104</b>	<b>100.0%</b>

Just over half of clients served at Clean Slate clinics left ready to file for a least one criminal conviction, whilst just under half of clients served did not. There are a number of reasons why clients may not leave ready to file. Clients may not bring the correct paperwork or have the right information to enable legal screening for remedies to be completed. If screening is completed, a client's convictions may be ineligible for criminal record clearance, or the client may not be able to use the remedy at the current time due to ongoing probation or outstanding fines and fees owed to the court.

### Question 2. Filing: what proportion of clients successfully file in court?

Of the 59 clients ready to file, 40 clients (67.8%) were retained in sample for case tracking because they had at least one criminal case that could be tracked online. The median number of cases per client was 2 and ranged from a minimum of 1 to a maximum of 12. The highest conviction was misdemeanor for around two thirds of the cases (65%) and felony for a third of cases (33%).

Table 2 below summarizes the proportion of clients recorded as filing at least one of these petitions in the 6-12 month window provided for follow-up.

	N	Proportion
One or more filed	27	67.5%
None filed	13	32.5%
<b>Total</b>	<b>40</b>	<b>100.0%</b>

Just over two thirds of clients filed petitions in court for one or more the cases tracked. Of the 27 filing, 20 clients (74.1%) filed for all cases listed.

Table 3 below compares the proportion of clients filing by whether the client was expected to file themselves or received post-clinic filing support from the Public Defender.

Filing arrangement	None filed	One or more filed
Client	12 (48.0%)	13 (52.0%)
Public Defender	1 (6.7%)	14 (93.3%)

Even given the small sample size, the data suggests a significant difference in filing rates between these two groups of clients.<sup>7</sup> Whilst this observed contrast does not provide direct evidence on the impact of different forms of post-clinic filing support, it does lend weight to an intuitive theory that clients may encounter barriers when filing by themselves.

Question 3. Outcomes: what proportion of clients obtain a remedy?

Of the 27 clients filing for at least one criminal case, 25 (92.6%) had at least one of these cases disposed at the time of final review. A small number of cases were recorded as undisposed for a variety of reasons, including scheduling of further hearings, hearing vacated because the case was already dismissed, and ambiguity in the court record visible online.

Table 4 below summarizes the proportion of clients recorded as having at least one of these petitions granted in the 6-12 month window provided for follow-up.

	N	Proportion
<b>One or more granted</b>	21	84.0%
<b>None granted</b>	4	16.0%
<b>Total</b>	<b>25</b>	<b>100.0%</b>

The majority of clients filing had a remedy granted on at least one case, however some clients' petitions were denied. Of the 21 clients with any granted, 19 (90.5%) had a remedy granted on all cases tracked.

The most relevant outcome measure is the proportion of *all* clients ready to file (N=40) who had at least one petition granted. This is presented in Table 5 below.

	N	Proportion
<b>One or more granted</b>	21	52.5%
<b>None granted</b>	19	47.5%
<b>Total</b>	<b>40</b>	<b>100.0%</b>

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<sup>7</sup>  $P = 0.01279$ , Two-sided Fisher's Exact Test.

## Conclusions

This study provides new insight into the efficacy of Justice Bus Clean Slate clinics. By tracking clients' progress towards obtaining dismissal of criminal convictions in court, it uses a measure of success that directly reflects the aim of the program. Whilst the data gathered is limited in a number of ways, it provides insights into client outcomes that can inform further investigation and program development.

### Overall assessment of efficacy

In general, this evaluation suggests that Justice Bus clinics are partially successful in supporting clients to obtain criminal record clearance remedies.

- Just over half of clients leave clinics ready to file a petition for a remedy (56.7%)
- Of these, just over half are granted a remedy (52.5%)

Three principal conclusions regarding the program model are discussed below.

### Legal screening is a substantial component of clinic services

All clients served receive legal screening, and some clients do not progress beyond this point. Legal screening is an important service that can help clients understand their legal rights and options. It is, however, important for the program to ascertain whether improved processes for prescreening and preparing clients for clinics could limit the number of clients who do not progress beyond legal screening for reasons that can be identified in advance.

### Arrangements for post-clinic filing are critical to success

Whilst some clients file successfully by themselves, others do not. It is important to further investigate why some clients do not file, particularly whether there are preventable factors that could be addressed, such as client confusion about what steps they need to take after the clinics.<sup>8</sup> Working with professional repeat players in local courts, such as Public Defenders, may be a particularly effective. As potential improvements are developed, it is vital to empirically test different options.

### Clients who file usually have their petitions granted

A high percentage of clients who file subsequently have their petitions granted. This suggests that the limited scope model is broadly viable provided that filing is adequately supported. As some remedies are discretionary, some denials will occur regardless of the service model adopted. It is important, however, to further investigate the reasons for denials, whether preventable factors are involved, and to determine whether clients receiving denials would benefit from additional support or services.

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<sup>8</sup> Specifically, the team is considering whether its post-clinic instructions can be improved following the recommendations set out in *Guidelines for Creating Effective Self-Help Information* (Institute for the Advancement of the American Legal System, 2019).