

EMPLOYMENT & CIVIL LEGAL AID

Legal aid helps individuals remove prior non-violent criminal offenses from their record to improve economic opportunity.

Interested in learning more about civil legal aid?

Contact the NC Interest on Lawyers' Trust Account program:

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The need

1.6 million North Carolinians have a criminal record. Entries on criminal records can include charges which were dismissed or disposed of as "not guilty." Low-level offenses which were the result of one bad decision made in young adulthood can remain on an individual's criminal record for his or her lifetime. 95% of individuals who are incarcerated will leave prison and return home. Criminal records serve as a barrier to obtaining employment and economic security. Criminal records may also limit access to housing and other benefits.

The response

North Carolina law allows for expunction of certain non-violent criminal records in limited circumstances after a period of good behavior passes. An expunction is a court order which erases the offense from an individual's record. In 2017, the waiting period required for certain offenses was reduced, expanding the eligibility for expunctions. Steps were also taken in the updated law to standardize the process of obtaining an expunction in counties across the state.

Legal aid lawyers assist clients with expunctions. Clients often come to legal aid for another issue but are identified as potentially eligible for an expunction to improve their employability. Staff lawyers in offices assist with expunctions on a daily basis, however, expunction events and clinics have also been held at courthouses and community centers across the state from Wilmington to Asheville and many locations in between. Expunction clinics frequently engage private lawyers who volunteer their services pro bono.

Legal aid staff also assist individuals who receive an expunction with the removal of now expunged criminal records from third-party databases, which prospective employers use when conducting criminal background checks.

Spotlight

In late 2016, Legal Aid of North Carolina and the North Carolina Justice Center collaborated with partners in Wake County including the bar association, clerks of court, public defenders, district attorneys, and judges to provide expunction assistance. More than 2,000 cases were reviewed for eligibility, and 500 Wake County residents were determined to be eligible for an expunction. Clinic attendees spent time with an attorney who answered their questions, completed the paperwork, and then filed the petition with the court.



JUDY'S STORY

Judy* attended an expunction workshop hosted by Legal Aid of North Carolina. She had graduated from paralegal school, but could only find work in the fast food and waste industries because of a dismissed drug charge from more than 20 years before. Judy describes the impact of the assistance she received from Legal Aid: "Although the charges were dismissed through deferred prosecution, many positions I would not apply for because during the application process I would have to disclose this, and I knew that the company would not hire me. I was disheartened because I believed I would never be able to have a career. With the help of a pro bono attorney, I had my record expunged. I cannot begin to say how it feels to have that dark cloud lifted from the paper trail that defines me to those who do not know me or who I am. I am happy to say I have begun working in my field, and I love my job."

**Name changed to protect client's privacy.*