

Winter 2011

## Advance, Winter 2011

San Jose State University, Department of Justice Studies

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# Advance

News from the San José State University Record Clearance Project

DEPARTMENT OF JUSTICE STUDIES, COLLEGE OF APPLIED SCIENCES AND ARTS

WINTER 2011

## Where I Am Today

*By Cheryl Ann Lozano*

Where I am today is a far cry from my early days on my own at age 12 and addicted to PCP.

The Record Clearance Project has given me a second chance at making my dreams of helping others to come to pass. Now I am two classes short of earning a degree in Sociology from Evergreen Community College, and hope to transfer to San Jose State University to continue my studies. Upon graduation I plan to work as a drug counselor and mentor. Although earning a college degree at age 47 might seem surprising for a mother of six, my path has been unusual from the start.

I began using PCP when I was 12 years old to numb the pain of growing up with an alcoholic and abusive mother who had no interest in me or any of my four brothers and sisters. Our main caretaker was my grandmother who lived with us until she died when I was 6 years old. After my grandmother's death, my mother's alcoholism grew worse. When our mom wouldn't come home, my older sister and I would go get her from the nearby bar.

When I was 12, I left home out of fear of my brother. I stayed with friends and that's when I first tried PCP. Two years later, my brother tried to burn and kill my mother. I dropped out of high school in my freshman year and had my first child when I was 16.

When I was 27, I began 14 years of sobriety while I raised my children. However, in 2005, family tragedies led me to relapse, until a car accident in 2006 saved my life. Although no one else was involved or injured in the accident, I woke up in the hospital after being unconscious for hours and saw clearly that I immediately had to change.

I got counseling to address the hurt from my childhood and reconciled with my extended family. However, during my years of using, I had been convicted many times for being under the influence of drugs and related offenses. My record limited me,



and I was denied many jobs. Moreover, the emotional stress of knowing I had a record was a challenge. I prayed and asked the Lord to make a way, and He did by showing me this program.

The Record Clearance Project at San Jose State was an answered prayer. The RCP provided the encouragement, support, and, most of all, the respect as a person that bolstered me in even a greater way.

When I went to court, the judges believed in me and dismissed all my convictions. I felt like I was finally healed from a cancer that had been eating away at my life. Now, healed, I am finally free, a new person, at peace. My joy, unspeakable faith, and gratitude lead me even more today to help people who need to be encouraged.

This experience has changed my life forever, and the support and respect from RCP has showed me that people are genuine and can look past my mistakes.

I am eager to counsel those who suffered as I did with the pain of addiction, and the sorrows that people often use drugs to mask. Getting a college degree — and maybe a master's degree — will enable me to do this. I am an example of how someone can overcome the pain of their past and move forward to help others.

Thank you,  
Cheryl Lozano

## Excellent Preparation for Law School

By Javier de la Torre

I began working with the Record Clearance Project (RCP) almost a year ago, and through this work have developed a whole new view about law and justice. The RCP and my studies at SJSU have ignited in me the desire to go to law school to become an attorney for at-risk youth.



In 1987 I arrived in San José as a young child, coming with my family from Mexico in search of a better life. Growing up, I never thought about going to law school. In fact, I found it extremely difficult to assimilate during my first years in the US. However, I graduated from Oak Grove High School here and attended West Valley Community College, receiving an AA degree before starting at SJSU in the fall of 2009.

While I had been thinking of working as a police officer, sheriff or CHP officer, once I came to SJSU, I became more interested in learning about why crimes are committed and how to help the individuals involved. I began to see myself working with people who needed help rather than enforcing the law.

There are no lawyers in my family, and the Record Clearance Project gave me valuable field experience in the law. I really enjoyed working with my ten clients, and have seen firsthand that not only is knowing the law required, but communication and interviewing skills are necessary as well. My goal is to communicate in a professional and gentle way so that each person feels comfortable; being courteous and professional has guided me through many interviews with clients from different backgrounds.

I have enjoyed being able to share this wonderful project with the public by doing presentations and interview sessions in the community. At a Speed Screening at the McKinley Neighborhood Center, my interview partner was unable to attend, so I interviewed clients by myself. The one-on-one consultation made the experience feel as if I was a real lawyer. I was glad to return to the McKinley Center where previously I had done a community presentation, this time to help interested clients individually.

Becoming an attorney is a new path for me. For the last eight years I have worked at a sheet metal company, being promoted from the production floor to supervisor to production control. I paid all my expenses to put myself through college, and have helped my mother with her expenses as well. I have worked full-time, sometimes 50 hours a week.

In Spring 2012 I will graduate from SJSU, the first in my family to graduate from an accredited college. Being in the top 15 percent of my class, I am a member of the campus chapter of the Golden Key International Honor Society.

At this point in my career, close to graduation, I understand that choosing to pursue a law degree will take a tremendous amount of work and exceeding dedication. Through the RCP, I've met law students, as well as lawyers and judges. If accepted in law school, I believe I can make the right choices needed in my life and do the work required to emerge as a successful law graduate. I look forward to practicing law and continuing to help others.



de la Torre assists a client at the McKinley Neighborhood Center Speed Screening

**“Participating in the Record Clearance Project allows me to use my training to make a real change in our society. Working with clients to prepare petitions to clear their records is a rewarding experience, which we both learn from each other within the process. Given the chance to assist someone to move forward with their life, and aid them in removing barriers set upon them from past mistakes is rewarding to say the least.”**

– ALEXANDRIA WILLIAMS, STUDENT

## Bringing Expungement Law to the Community

Many people carry convictions on their records for years, not knowing of the laws permitting most jail convictions to be dismissed. Indeed, 70 percent of the petitions that the RCP has prepared are for convictions that are over 10 years old.

In the effort to get the word out, students present information regarding expungement law and procedures to community groups. They also inform the public about RCP services.

Since June, RCP students have presented information at six presentations to 60 people, in English and Spanish.

Groups who would like to request a presentation can contact [sjsurcp@gmail.com](mailto:sjsurcp@gmail.com) or call (408) 924-2758.

**In 2010 – 2011, the RCP held 23 community presentations where 361 people learned about expungement law and RCP services.**

## In the RCP Classroom

Before RCP students meet their clients, give community presentations, conduct interviews and write petitions, they spend many hours in the classroom, working to get ready.

They start with a legal skills class, now formalized in the Justice Studies curriculum as JS 140. Over the course of a semester, students study the law, legal research, legal ethics, interviewing skills, legal writing, giving community presentations, legal interpreting and related topics. They observe two hearings, conduct two Speed Screenings, and give at least one community presentation, as well as help in other ways such as by role-playing in moot court sessions, or critiquing clients' moot testimony.

Once students have this background, they can take the advanced class (JS 141), which involves preparing court petitions for several clients, helping to teach the legal skills class, and assisting at Speed Screenings and community presentations as needed.

The SJSU RCP is the only program known in which undergraduates take on such responsibility for interviewing and handling clients' cases.



Danny Yu (JS '10), left, videotaping client testimony before "Judge" Lane Jimison at Moot Courtroom at SCU Law School. "Clerk" Shelbie Morris (below flag) assists

## Preparing for Court in "Moot Court"

"I found the moot court very useful," says former RCP client Victoria Kirschner. "After being in court when I was convicted, I had thought I wouldn't need moot court to practice. But it is a whole different thing trying to get my record cleared."

Volunteer "judges" — including Dean Charles Bullock — offered practice sessions for clients before their upcoming hearings. Students from the RCP and from Santa Clara Law School's Expungement Clinic role-played the District Attorney, while other RCP students took notes. Following the session, those involved made suggestions regarding clients' testimony.

For those interested, volunteer Danny Yu, an RCP alumnus, videotaped the testimony for review before the court hearing.

The moot courtroom at Santa Clara University Law School provides an outstanding setting for the practice session. SCU has kindly allowed the RCP to hold practice sessions there before each hearing.

"I would recommend moot court to anybody trying to get their record cleared," says Ms. Kirschner. "It not only helps prepare you for what will happen in court, but moot court also was a chance for me to bond with others who were going through the same process."

In court, not only were Ms. Kirschner's convictions dismissed, but the District Attorney and judge complimented her on her success in moving forward with her life.



Wearing CommUniverCity T-shirts, students interviewed 26 clients at the McKinley Neighborhood Center Speed Screening

## Speed Screening – Getting Started on the Path to a Clear Record

At Speed Screening sessions, students in teams of two perform a quick analysis of individual clients' convictions. Pro bono attorneys review and discuss the students' analysis and recommendations before the students return to give the clients information about their options regarding expungement.

One team at a November 3 Speed Screening assisted a client on the spot to get her petitions on the upcoming hearing calendar on December 8. The client's employment was at stake, and the court dismissed the client's two, decades-old convictions.

Requests for RCP assistance have increased dramatically to over 300 in the last year. To assist people in learning the "next steps" to try to clear their records, and to efficiently add people to the RCP waiting list, the RCP offered two Speed Screening interview sessions this semester.

To make access easier, the sessions moved into the community, with Center for Employment Training (CET) and the McKinley Neighborhood Center each hosting an event.

In class, students learned the law and procedures they needed to know in order to analyze clients' rap sheets. So that everyone was comfortable with the process, the students practiced in mock interviews, with advanced students role-playing clients and then critiquing the interviews.

While clients waited for their interviews, volunteer speakers including Marcia Mitchell, Senior Attorney with the Equal Employment Opportunity Commission, gave legal rights presentations while clients waited for their interviews.

According to Adam King, Training Manager at the Center for Employment Training, "Opportunities are few and far between for individuals with criminal backgrounds. The San Jose State University Speed Screening is a light at the end of the tunnel for those turning the chapter in their lives. Speed Screening gives hope and empowerment when applying for jobs and housing. The students at the Center for Employment Training have benefited greatly from Speed Screening. I look forward to working with Peggy Stevenson and the rest of the San Jose State staff in changing more lives in 2012."

The RCP has held five Speed Screenings so far, at which it has helped 125 clients. Clients from almost forty zip codes have attended the sessions. The lawyers who volunteer are from the Santa Clara County Public Defender's Office, the Lawyers' Committee for Civil Rights and private attorneys.

No sooner had the second Speed Screening finished, when people began calling the RCP to ask about the next session. Though the date hasn't been set yet, plans are to offer two Speed Screenings each semester from now on.

## Research Projects

There is little research available regarding what leads people to stop committing crimes, and how having a criminal conviction expunged affects people and their families. SJSU Justice Studies faculty members seek to learn more from former RCP clients who volunteer to participate in two studies.

Prof. Danielle Harris is studying criminological perspectives of desistance, and has interviewed former RCP clients about their life stories and pathways in and out of crime. She is particularly interested in the specific elements (such as employment, education, or parenthood) that lead people away from crime. Prof. Harris presented preliminary results at the American Society of Criminology Conference in Washington, DC in November, and will present subsequent findings at the Academy of Criminal Justice Sciences Conference in New York City, NY in March 2012.

Prof. Ericka Adams will interview former RCP clients to determine the impact, if any, that record clearing and the Record Clearance Project have on the lives of its clients and their families. Of particular interest is whether, following the successful completion of the record clearance process, a client experiences increased success in gaining employment, professional licenses, student loans, public housing, public benefits, foster parenting, visiting relatives in prison, and other opportunities.

Research will provide a better understanding of the consequences of having a criminal record — and of whether there is a measurable societal, economic or psychological value of having it cleared. Since one in four people in California has a criminal record, such evidence should make a broad, important contribution to informed public policy.

Other faculty expect to study the effect that participating in the RCP has on students in their future careers. Since many of the students at SJSU eventually work in law enforcement and probation fields, researchers will investigate whether there is a reportable effect of RCP involvement in subsequent work.

Students' involvement in the RCP may also influence future career choice. Some students who had not previously considered becoming an attorney, state that they plan to go to law school following their work with the RCP and its clients. (*See Javier de la Torre story on page 2.*)

I have interned for many different organizations and groups, but my experience with the RCP has changed my outlook towards the legal field. The RCP project has provided me with the tools and knowledge needed to help others in the community. Although I am not an attorney, by simply providing legal information to those who are unaware of it and need it, I am able to positively affect someone else's life. I myself have made some mistakes in my past and do not believe that a person should spend the rest of their life paying for a small bad decision, especially if they have changed their life around.

– UYEN NGUYEN, STUDENT



Vince Abbott and Suzy Mendoza determine client's eligibility for expungement

"I recently attended a hearing on Record Clearance Project petitions and was extremely impressed with the clients, their moving stories, and what a remarkably beneficial program this is. In telling its clients' stories, the RCP enables the court to officially recognize that clients' past mistakes should not label or limit who they are today.

Through educating students, the RCP provides first-hand perspective on the justice system and demonstrates that, through their work, students can make a difference in others' lives.

The RCP has made great progress in a few short years, and holds great promise for the future."

– JAMES E. TOWERY, ATTORNEY, FORMER PRESIDENT OF CALIFORNIA BAR ASSOCIATION AND SANTA CLARA COUNTY BAR ASSOCIATION

## RCP Law Fellowships

The RCP needs additional staff to meet increasing demand. Students headed to law or graduate school could use some significant justice-related experience, as well as help in putting together applications.

The answer: seek funding for one- or two-year post-graduate fellowships for students who have worked with the RCP to further develop their skills and experience while getting help from RCP-affiliated attorneys and faculty in preparing post-graduate applications.

Many SJSU Justice Studies majors do not have lawyers or professors in their family to provide exposure to law or graduate school. Many students have worked at non-law jobs while in school, and thus do not have some of the experience and exposure to issues that graduate schools want.

The RCP is eager to establish RCP fellowships to provide opportunities in this difficult job market to recent graduates in justice-related work, increase diversity in the bar, as well as to enhance the services that the RCP provides to clients and students.

**76 percent of Justice Studies majors are students of color.**

**An estimated two-thirds of Justice Studies students are the first in their family to go to college.**

*I am thankful for the opportunities I have been given to offer various community presentations, Speed Screenings and to share with people what I have learned from the RCP. Most importantly, I am grateful to the clients who participate in the project. Not only has it been a life-changing experience for the clients I have worked with, but for my own life as well.*

– SYLVIA RODRÍGUEZ, ALUMNA

## Nishtha Jolly, Project Coordinator

How has the RCP been able to accomplish so much? It would have been impossible without the assistance of Nishtha Jolly who began as RCP Project Coordinator in March 2011.



“This is a truly inspiring program,” says Nishtha. “I am excited that it has taken off the way it has and that I am able to be a part of it.”

Nishtha earned an MS and BA degrees from the Justice Studies Department at SJSU. To put herself through school and help support her family, she worked at the Bill Wilson Center, a non-profit agency focusing on runaway, abused and neglected youth. At the Bill Wilson Center, Nishtha worked in a series of jobs -- from youth counselor to technology officer — over the 13 years that she was there.

For the RCP, Nishtha responds to all phone calls and emails from prospective clients; maintains the waiting list; finalizes, files and serves court petitions for clients; plans, organizes and supervises the moot court and Speed Screening sessions; does data entry and analysis; gets bills paid; and generally handles whatever other tasks are needed at beyond-the-last-minute, from designing flyers to role-playing a moot court judge.

Highly efficient, Nishtha works for the RCP part-time. Her position is made possible through a grant from CommUniverCity, a program connecting the community, SJSU and the City of San Jose.

Nishtha also works as an intern at the Public Defender’s office, greatly facilitating the handling of clients’ cases between the RCP and the Public Defender. “Nishtha is phenomenal,” says Deputy Public Defender JJ Kapp. “She has streamlined operations and has terrific organizational skills. The office is indebted to her.”

Nishtha plans to go to law school. “Through the RCP I have seen firsthand the power of the law to change lives. There is so much need for legal services among those who can’t afford them. I am inspired by the stories of the clients who have done so much to make a positive, lasting change in their lives and are being held back by the mistakes they made in the past.”

Nishtha’s husband is a business and engineering student working on his masters at SJSU. Her son is a tenth grader in San José. She speaks Hindi and Punjabi.

**The RCP has benefitted enormously from the involvement of the following people from June – December 2011**

**Pro Bono Speed Screening Attorneys**

Heather Angove  
Shelyna Brown  
Meredith Desautels  
JJ Kapp  
Catherine McKee  
Marcia Mitchell  
Shaun Naidu  
Elizabeth Pacheco  
Avi Singh  
Rachel Varnell

**Moot Court Judges**

Heather Angove  
Dean Charles Bullock  
Emily Galvin  
Danielle Harris  
Bryan Jimison  
Lane Jimison  
Paul McNamara  
Hal Peterson

**Moot Court DAs**

George Atkins  
Patrick Cordova  
Michael Donaldson  
Jonathan Joplin  
James Ly  
Steven Marshall  
Shelbie Morris  
David Nazzaro  
Kevin O'Mahoney  
Alexander Price  
Jennifer Trigos  
Alex Williams

**Other Volunteers**

Jose Andrade  
Trevor Bottorff  
CASA Success Center staff  
Winnonah Carlos  
Jason Chu  
Misa Duong  
Chris Jordan  
Adam King  
Ellen Kreitzberg  
Andres Martínez  
Flora Mata  
Laura McGeehon  
David Mejía  
Suzy Mendoza

Shaun Naidu  
Uyen Nguyen  
Rayven Nolt  
Humberto Retana  
Silvia Rodríguez  
Susan Rodríguez  
Jose Rojo  
Craig Sherod ([www.craigsherodphoto.com](http://www.craigsherodphoto.com))  
Kathy Sucher  
Sergio Torres  
Jim Towery  
Jerry and Martha Uelmen  
Amy Valdez  
Amber Wales  
Rebecca White  
Kristen Whyte  
Chris Willover  
Danny Yu

**Students Enrolled in RCP Courses for Credit, June – December 2011**

Vince Abbott  
David Anderson  
Nicolas Arango  
Josh Berlin  
Christina Castillo  
Patrick Córdova  
Javier de la Torre  
Diana Gil  
María González-Ojeda  
Dean Hakim  
Esmeralda Leon  
Chris Mendez  
Shelbie Morris  
Uyen Nguyen  
Kelly Nunes  
Yuliya Pachenko  
Lindsay Parodi  
Estella Pérez  
Holly Ramirez  
Enjoli Sabedra  
Gagandeep Saini  
Christina Sanchez  
Ajit Singh  
Ashley Soria  
Sergio Torres  
Jennifer Trigos  
Andrew Wallace  
Khashina Warren  
Alexandria Williams  
Tavita Wooden  
Philip Zavala

## Community Partners

All of Us or None  
Yolanda Araujo, Catholic Charities  
Deborah Dohse, Drug Treatment and Family Wellness Court  
East Bay Community Law Center  
Angelina Gallardo, Catholic Charities  
Pastor Andre Harris, Born Again Christian Center  
Raj Jayadev, Silicon Valley De-Bug  
Adam King, Center for Employment Training  
Pastor Lionel Mata, Life Changing Christian Fellowship  
Olivia Mendiola, Center for Employment Training  
Paul Pereira, City of San Jose  
Doug Reynolds, Center for Employment Training  
Imelda Rodriguez, CommUniverCity  
Dana Yamaguchi, Catholic Charities

## SJSU Partners

Prof. Ericka Adams  
Dean Charles Bullock  
Prof. Mark Correia  
Prof. Dorian Dreyfuss  
Nikki Gutierrez  
Prof. Danielle Harris  
David Harris  
Theresa Marquez  
Prof. Hal Peterson  
Prof. Dayana Salazar  
Carol Santos  
Gilbert Villarreal

## RCP Court Hearings:

### Court:

Judge Jacqueline Arroyo  
Judge Jacqueline Duong  
Judge Shawna Schwarz

### District Attorney's Office

Deputy DA Kathy Wells  
Lupe Moreno, Senior Paralegal  
Public Defender's Office  
JJ Kapp  
Avi Singh

### Probation Department

Supervisor Jana Taylor  
Rocio Ramirez

### Court Administration

Stephanie Aleman  
Randy Garcia  
Rose Silva  
Andrina Roman-Castillo  
Farris Bryant  
Linda Vallejos

### Department of Revenue

Griselda Santiago

## Donors

Anonymous, in memory of Claude Masquart  
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& Oberman Foundation, Inc.  
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The Skoll Foundation  
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Janet and Mark Zimmerman

## 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.

**Donations to the RCP aid people in reclaiming their lives and students in learning to assist others. Please help RCP Fellowships become a reality by graduation 2012.**

– RCP Project Director Peggy Stevenson



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Photo credits: Jarred Olsen, Kathryn Sucher