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Clamor grows for erasure of criminal records

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Court and law enforcement officials in Illinois are receiving thousands of requests for expungement or sealing of criminal records since the Illinois General Assembly liberalized the law in 2003.

"The void out there for legal assistance is enormous, and I don't know how it's going to be filled," said attorney [Jennifer S. Walsh](#), expungement director for the State Appellate Defender's Office in Springfield.

Many of the requests come from people who are indigent.

"People are going to have to do this largely on their own," Walsh said Wednesday.

On June 1, the law will be liberalized again, probably inspiring more requests and more need for legal help by Illinoisans, many of them again indigent.

Cook County Circuit Clerk [Dorothy A. Brown](#)'s office said it has received more than 15,000 requests for expungements or sealing of arrests and some convictions since 2003.

A [state Web site](#) explaining expungements and sealing of criminal records gets more than 900 hits a week.

The presiding judge of Cook County Criminal Court, [Paul P. Biebel](#) Jr., reviewed and signed more than 100 petitions for expungement or sealing last Friday evening, he said, and more than 250 new requests are waiting on his desk, having been delivered in the last week.

Petitions for expungement or sealing of certain minor criminal records are considered vital to allow people — many of whom were never convicted — to be able to clear up their backgrounds and get jobs.

Lawyers say some employers are ready to hire or retain workers who are discovered to have minor arrest records as long as the worker or prospective worker gets it expunged or sealed.

Walsh, of the state appellate defender's office, said she wants state Rep. Constance A. Howard, D-Chicago, who sponsored the 2003 expungement bill, "to know her legislation is actually having a positive impact."

"We definitely have had clients that have called us to thank us to say they've now been able to get a job," said [Christine Ryan Farrell](#), staff attorney for the Cabrini Green Legal Aid Clinic.

Walsh has had the same experience.

But Walsh said she is simply overwhelmed with requests from people who seek information on whether they qualify for expungements and/or sealing and how to fill out the paper work and proceed through the system.

"I used to be a week behind in returning calls," she said Wednesday.

"Then it was up to two weeks. Now I'm about five weeks behind in returning calls," she said.

"A lot of people are very frustrated. They want to work. They can't. They've got a record."

"Thousands of individuals in Chicago are regularly denied jobs — or, worse, fired from jobs — because of prior criminal records, including arrests that never resulted in convictions," said [Robert B. Acton](#), executive director of the Cabrini Green Legal Aid Clinic.

He added, "Criminal records are not only a barrier to employment, but also to housing and educational loans."

Chicago criminal-defense attorney William P. Murphy said criminal records also prevent a person from getting any job that requires a license, such as a dental assistant.

"You can't be a cop, a lawyer," he said. "You can't get into unions. You can't work for the city unless you come through the Safer Foundation," an ex-offenders' group, Murphy said.

But for attorneys, Murphy said, expungements are very time consuming.

"You're not going to make any money. We do it more as a service," he said.

Because minor convictions usually require a waiting period before they are expungeable, Murphy tells his clients that they must remember to act when the waiting period is over.

"I tell people the ball is in your court," he said.

Attorney [Eugenia C. Hunter](#) of Carbondale, who said she has done five to 10 expungements in recent years, said the law, Public Act 93-210, is "an extraordinarily complicated statute."

That law allows expungements of many arrest records as long as the person was not convicted and if there are no convictions on the record.

The law also allows expungements of some criminal misdemeanor convictions, other than for drunk driving, if the person was placed on supervision and has no other convictions.

The new law to go into effect June 1, Public Act 93-1084, will allow sealing of some additional criminal convictions so that they are theoretically not available to the public or to employers.

These additional minor convictions that will soon be sealable, according to Walsh, including misdemeanor prostitution, Class IV felony prostitution and Class IV felony drug convictions.

Class IV felony drug convictions are for possession of the smallest amounts of various types of narcotics.

Lawyers familiar with these matters say that often a young person arrested for possession of very small amounts of narcotics will plead guilty just to get out of court or out of jail.

But such convictions haunt people for the rest of their lives.

The new law that goes into effect next month was sponsored in the General Assembly by Howard and state Sen. [John J. Cullerton](#), D-Chicago.

Hunter, of Carbondale, said she frequently gets calls from former Southern Illinois University students who discover that trouble they got into in college is interfering with their later life.

She said she charges \$150 an hour, and an expungement process usually comes out to about \$500, plus the fees that must be paid to court clerk offices and to the state police, she said.

"There is a myth that this is something you can do yourself," she said. Due to the complexity, "I don't think most non-attorneys can do this themselves," she said.

Also because of the complexity of the law, Hunter said, "Sometimes the courts sign them and the state police don't honor them because the courts entered an order of expungement for something that can't be expunged."

Walsh said the expungement and sealing process places substantial burdens on court clerks' offices, local law enforcement and the state police.

And it is not always perfect, she said, because sometimes private companies have access to criminal arrest data that pre-dates any expungements or sealings.

Walsh said the state appellate defender's office will list on its Web site the names of lawyers who are willing to provide legal services on expungements at low cost or at no cost.

Some lawyers listed on that site, such as Terry W. Dodds of Bloomington and [Leroy C. Maye Jr.](#) of Chicago, say they are available at low cost, but so far have gotten only inquiries and consultations.

Acton, of Cabrini Green Legal Aid, said, "Plans are under way to open a self-help expungement and sealing desk at the Daley Center" in cooperation with the court clerk's office.

Acton said it would be "a coordinated effort between Dorothy Brown Cabrini Green Legal Aid Clinic, the Chicago Bar Foundation and Illinois Legal Aid Online.

"Current plans," Acton continued, "call for volunteer attorneys to staff the desk drawn from the Hispanic Bar Association and the Cook County Bar Association."

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