

## **DEAR Program & Advisory Board**

### **History of the Program (and Board):**

Members of the DEAR Advisory Board first convened in January 2018 at the request of Judge Amanda Maris to design a first-of-its kind, court-referral expunction program (later named, the Durham Expunction and Restoration Program or “DEAR”). **The Expunction Program** under DEAR works to identify parties in the court system eligible for expunctions in “real time” at the disposition of their case and provide them with unprecedented, timely legal relief through referral to a coordinated network of free legal providers in the Durham community and/or to one of four DEAR Program staff attorneys.

Prior to the inception of the DEAR Program, there was not a systemic mechanism in place within the court system to refer parties to this type of legal relief in North Carolina, and quite possibly in the nation. Historically, parties typically learned of eligibility for an expunction or a certificate of relief months after the moment of eligibility, long after the negative impact of a charge remaining on their criminal record affected their employment, housing and educational opportunities. These collateral consequences to a person’s life, which often extend beyond the individual to their family and their communities, can be avoided under North Carolina law with the legal relief DEAR aims to provide. With far too many people either unaware of this relief or unable to afford to pay for it, DEAR will hopefully alleviate and remove these barriers to the justice system with its Expunction Program.

Through the broad collaboration of the many partners to DEAR within the court system, local government and the community working together on the Advisory Board along with the City of Durham’s Innovation Team, **the Durham Expunction and Restoration Program (DEAR)** was ultimately created, marrying the Expunction Program that developed in 2018 with a more advanced driver’s license **Restoration Program** designed to build upon the past work by the City of Durham and the Durham District Attorney’s Office (including Judge Josephine Kerr Davis in her former role as an Assistant District Attorney) to expand access to driver’s license restoration through targeted traffic debt-relief.

The members of the DEAR Advisory Board met monthly throughout 2018 to design the DEAR program. DEAR began operating, in part, in October 2018 along with the first community partner expunction clinic taking place under the Durham Expunction (and Restoration) Network: Duke University School of Law hosted its first partner clinic in October 2018 also its very first expunction clinic in the law school’s history. In December 2019, The NC Pro Bono Resource Center (through The NC Equal Access to Justice Commission) hosted its inaugural clinic, supervising Durham Assistant District Attorneys and Assistant Public Defenders in staffing a never before jointly-sponsored clinic. The N.C. Central University School of Law will host a partner clinic in the spring of 2019 under the network, and the Southern Coalition for Social Justice continues to be a valuable community partner along with members of All of Us or None who provided a session on community empowerment to attendees at the December clinic.

The DEAR program was designed by the partners to provide increased access to expunctions, certificates for relief and driver’s license restoration through various methods: the community partner clinic within

the Durham Expunction (and Restoration) Network, self-representation facilitated by the DEAR Program and through direct representation by a DEAR attorney.

The Advisory Board will continue to meet in 2019 and offer further guidance to the DEAR Program for both the Expunction and Restoration Programs within DEAR as they continue to develop and be implemented.

### **Role of the Advisory Board**

The DEAR Advisory Board is an informal body comprised of representatives from each partner to the DEAR Program, jointly chaired by Judge Amanda Maris (Expunction Program) and Judge Josephine Kerr Davis (Restoration Program). The role of the Board is to provide general direction and guidance to the DEAR Program while holding the program accountable to its goals within a race equity framework. The Board provides these duties at the monthly meetings, on alternating months in 2019. The Board is also composed of smaller workgroups (described below) designed to provide input on specific components of the program, for which some, but not all, Board members participate.

### **Membership of the Board**

The Advisory Board is comprised of representatives from the following entities and offices: The City of Durham (Innovation Team), Legal Aid of NC (Durham), The N.C. Justice Center, The N.C. Equal Access to Justice Commission (N.C. Pro Bono Resource Center), The Criminal Justice Resource Center, The District Attorney's Office, The Public Defender's Office, The Durham County Clerk of Court's Office, N.C. Central University School of Law, The Duke University School of Law, The Southern Coalition for Social Justice, All of Us or None, The Durham County Bar Association, The George H. White Bar Association, and the DEAR Program staff attorneys.

### **Advisory Board Workgroups**

Each of the listed workgroups consist of Advisory Board members and additional partner organization members not a part of the Advisory Board. In some cases, membership includes community members to ensure that all relevant perspectives in Durham are represented in each workgroup, to the best of our ability. The workgroups meet monthly or bi-monthly at a minimum. The recommendations of the workgroups are brought to the entire Advisory Board at its monthly meetings.

## ***DEAR Workgroup Descriptions & Membership:***

### **Online Portal Workgroup**

This workgroup is tasked with creating an online portal to be used by the public to check on the status of their case, either an expunction petition, certificate of relief or driver's license restoration case. The group's goals include ensuring adequate privacy of the user balanced with providing sufficient access to the system by the user such that they can be informed of the result or pending status of their case.

### **Communications Workgroup**

This workgroup is tasked with creating press releases, website content and public dissemination of materials related to the DEAR Program and coordinating public events.

### **Expunction Clinic Workgroup**

This workgroup is tasked with establishing the best practices and model for DEAR (DEN) clinics which are administered by Duke Law, NCCU Law, The NC Pro Bono Resource Center and the DEAR attorneys.

### **Driver's License Restoration Workgroup**

This workgroup is tasked with establishing the system processes in which driver's license restoration efforts will occur, including but not limited to, motions to remit fees and fines in old failure to pay traffic cases.

### **Race Equity Workgroup**

This workgroup is tasked with establishing a race equity framework that the DEAR Program will embrace and apply to all of its program operations and desired outcomes and goals. The group will create the race equity framework and ensure its use throughout the duration of the program.

### **Community Outreach Workgroup**

This workgroup is tasked with establishing a community outreach plan for the DEAR Program. This will include outreach for clinics offered to the public, direct representation and dissemination of program materials. It will also include mobile legal relief units in the future and research on best practices for community outreach in specific communities to meet the needs of a variety of Durham Residents.

### **Attorney and Law Student Workgroup**

This workgroup is tasked with determining how to best utilize attorney and law student volunteers within DEAR, including but not limited to: expunction clinics, certificates of relief, out-of-county attorney network, record-running for clinics and more.

### **Certificates of Relief Workgroup**

This workgroup is tasked with establishing best practices for setting and hearing requests for certificates of relief and brainstorming creative and innovative ways to increase access to this form of relief now more widely available after the recent legislative amendment to the COR statute.

#### **Workgroup Creation & Membership Changes:**

Workgroups may be established as a need arises or retired as the work is accomplished, and new members may be added as is necessary and suggested by the members of the full Advisory Board.