

Criminal Justice Reform in America: Confronting Reentry Challenges

Proskauer For Good on June 27, 2019

The United States comprises about [4% of the world's population - and houses about 22% of the world's prison population](#). The U.S. Department of Justice reports that each year approximately [650,000 people are released from prison](#). Helping this population with a successful transition following incarceration is not only critically important to the individuals involved, but to society generally.

This week, Proskauer partnered with [New York Lawyers for the Public Interest \(NYLPI\)](#) to host a panel discussion addressing reentry challenges for previously incarcerated individuals and their families. Panelists included Judy Whiting, General Counsel at the [Community Service Society of New York](#); Rob DeLeon, Associate Vice President of Programs at [The Fortune Society](#); Esta Bigler, Director of [Cornell University ILR's Labor and Employment Law Program](#); and Gwen Washington, Director of Pro Bono at [DC Law Students in Court](#). They analyzed barriers faced by the formerly incarcerated population, which is disproportionately drawn from minority and low income communities, and highlighted initiatives that offer solutions, including legal assistance in petitioning the court to seal old convictions and family law consultations to ease the reentry process.

Individuals with a criminal record (whether or not they served jail time) face a variety of systemic barriers, including limited access to education, employment, affordable housing, substance abuse treatment, health care, and family services. This has serious consequences. For example, a person without employment is more likely to recidivate than someone with a stable job. The panel emphasized the importance of educating employers, especially since laws vary greatly on the state and local level. In New York State, an employer is required to weigh a number of [factors](#) before denying a job or license based on a criminal record. [New York City goes even further](#): an employer is prohibited from asking about an applicant's criminal history or running a background check until a conditional offer is made, and that offer can only be revoked if there is a direct relationship between the criminal history and the position being sought.

The panel addressed other important initiatives such as sealing or expunging old convictions. Again, the laws vary from state to state but the consensus among advocates is that these laws do not go far enough. In [New York, anyone with more than two prior convictions automatically becomes ineligible for relief](#), drastically limiting access to a resource that could aid deserving people in finding a job, affordable housing, and meeting other basic human needs.

The panel further emphasized the importance of educational programming in prison, which has been shown [to reduce recidivism by over 40%](#), as well as support services after release from prison. [The Fortune Society](#), for example, helps over 7,000 people per year with a variety of important programs.

Giving people a second chance directly benefits all of us. Reducing recidivism improves public safety and reduces the staggering cost of incarceration. (The estimated cost per prisoner in New York is over \$60,000 a year.) Through pro bono work in this area, Proskauer is helping individual clients rebuild their lives and in so doing, fostering a more just and less divided society, and partnering with NYLPI and other leading advocates to create systemic change.

[View Original](#)

[Related Professionals](#)

- **William C. Silverman**
Pro Bono Partner