

OPIA Podcast: Criminal Law Reform

CP: Hello and welcome to our podcast on careers in criminal legal system reform. I'm Catherine Pattanayak, Assistant Dean for Public Service at HLS and director of the Office of Public Interest Advising.

ES: And I'm Elizabeth Shirey, Assistant Director for J.D. Advising in OPIA. In this session, we'll talk about what it means to work in criminal legal system reform, and how to get there. We'll look at what work in this field entails, what employers look for when hiring students for summer or post-graduate opportunities, and what to do to prepare yourself for a career in this area.

ES: So, Catherine, let's start at the beginning and define our terms. What do we mean when we say "criminal legal system," and what do we mean by "criminal legal system reform"?

CP: The term "criminal legal system" describes the American system of policing, prosecution, criminal courts, and incarceration. Criminal legal system *reform* is aimed at fixing fundamental problems in that system: racial inequities, mass incarceration, harsh sentencing, and overcriminalization. It also can be defined to include reforming policies for those with criminal convictions who face collateral consequences as a result of their involvement in the criminal legal system.

ES: And when you say "collateral consequences" -- that could include access to housing, or barriers to getting hired for a job . . .

CP: Exactly. There can be significant civil consequences for outcomes in the criminal legal system. Which just goes to show -- within this broad umbrella of criminal legal system reform, there are a wide range of legal and policy issues. I think it can be helpful to group them into four broad categories of work.

CP: We'll call the first category "front-end" system reform -- so, thinking about issues arising before prosecution, or in some cases, even before an arrest. Common issues include the school-to-prison pipeline -- meaning, the

disproportionate tendency of minors and young adults from disadvantaged backgrounds to become incarcerated because of harsh school and municipal policies; policing; pretrial detention and bail reform; the criminalization of poverty; surveillance, including things like discriminatory algorithms, facial recognition systems, and public video cameras; drug policy; police and prison abolition; and juvenile justice reform.

CP: A second category would include issues surrounding prosecution itself. Think about: abuses of prosecutorial discretion or judicial authority, indigent defense and prosecutorial reform, and sentencing.

CP: Another category is reform on behalf of incarcerated persons. This commonly includes prisoners' rights and prison conditions work. Innocence work – fighting to show that someone has been wrongfully convicted – could also fit here.

CP: And a final category is “back-end” system reform, which is focused on the impact incarceration has on returning citizens. This includes what is commonly referred to as “re-entry” work, which addresses issues that incarcerated individuals face upon release from prison, including the inability to secure housing and employment that we talked about earlier.

ES: There's so much packed into each one of those categories you just described – and I think it's worth mentioning, too, that these aren't even necessarily comprehensive! Criminal legal reform work can also intersect with other practice areas altogether – so take, for example, the impact that outcomes in the criminal legal system can have on immigration, or on family and child custody issues. There's a lot to unpack – and also to respond to, as the law in this area shifts overtime and can vary by jurisdiction.

ES: We should also point out that we did not mention career tracks like public defense or progressive prosecution. We situate those under their own categories of defense and prosecution, so we won't be going into them in detail as part of this session.

ES: So now that we've defined some of what criminal legal system reform

work includes, let's turn to the types of organizations that engage in this work. Where should students look for these kinds of opportunities?

CP: Sure. While most reform efforts exist outside of federal, state, or local government, there are some governmental offices at all levels that are involved in certain kinds of reform work. Examples include the Special Litigation Section in the U.S. Department of Justice Civil Rights Division, the conviction integrity units of some local district attorneys' offices, and sentencing commissions.

CP: But a great deal of criminal legal system reform work is carried out in nonprofit organizations. Some organizations engage in direct representation of clients, like the Georgia Justice Project or Prisoners' Legal Services, while others focus solely or primarily on big-picture policy work. You can find lawyers working on system reform work in racial justice and civil rights organizations, like the ACLU or the NAACP Legal Defense Fund or the MacArthur Justice Center; in public defender offices with special litigation units, like Bronx Defenders or the Public Defender Service for the District of Columbia; and in movement lawyering organizations like the Center for Constitutional Rights or the Advancement Project.

ES: And this is far from an exhaustive list of non-profits; the landscape there is vast and varied, and can range from localized, grassroots organizations to large national organizations. System reform work can also be found in private public interest law firms. Work in those firms often focuses on police brutality or accountability, prisoners' rights, or wrongful convictions. And finally, many foundations and think tanks also support criminal legal reform work.

ES: So Catherine, we've talked about some of the sub-issues within criminal legal reform and some of the places to find it, but what about the work itself? What type of work could a student expect to find in these settings?

CP: Sure – as the issues vary quite a bit, so do the type of work and the day-to-day. There can be a wide range of strategies and responsibilities. One strategy is impact or systemic litigation, which is the practice of bringing lawsuits to bring about broader social change. Other attorneys engage in

individual representation of clients. Some focus on legislative advocacy designed to promote or negate the passage of particular policy reforms. And others liaise with organizers and communities to push forward the community's vision for change.

ES: So, fair to say that some attorneys in this space are doing a lot of work at their desks, researching and writing – while others might be in court or hearings, or in meetings with advocates or community leaders, or speaking with clients and other impacted people, whether in offices, in correctional facilities, or out in the community. And some attorneys would do several of those things, whether in the same week or even the same day, or over the course of their work generally.

CP: So now let's talk a little bit about what employers in this field will be looking for when evaluating candidates. What are some things they might want to see?

ES: Well, at the very top of the list would be a background or demonstrated interest in the criminal legal system or system reform work. Demonstrated interest could show up in your work and studies before law school, through your summer internships, which clinics you take, the student practice organizations you are involved with, and the courses you enroll in.

ES: Sometimes I hear from students, especially 1Ls, who worry they won't have the track record to do this work because they didn't do it before law school. And my response is always to think creatively and branch out! Reading groups, student practice organizations, research assistant opportunities, the spring elective . . . maximize your opportunities to get your feet wet and gain some knowledge and experience in this area.

ES: And for students with personal or familial experience with the criminal legal system – this is absolutely relevant experience for employers. Our advising team in OPIA is always glad to talk one-on-one with students about how to bring up their personal connections to the issues they want to work on -- in cover letters, interviews, etc.

ES: Catherine, in addition to demonstrated interest – what skills are employers looking for in this area?

CP: Skills that would be relevant to your ability to be an effective advocate. These include cultural sensitivity, particularly – for some students – in working in or on behalf of communities that are not your own; client-facing skills such as active listening and language skills, particularly for positions involving direct representation of clients; and writing and oral advocacy skills, particularly for impact litigation or policy positions. It is also critical that you understand the employer’s approach to reform work. If you are specifically interested in more progressive or radical organizations, it is key that you appreciate that community voices and needs will be centered, and that reform efforts will not be lawyer-led.

ES: Now that we’ve covered a 30,000 foot view of the field, let’s talk about hiring. We have a lot of resources on the OPIA website that go over the summer hiring process, like our 1L and 2L Guides to Summer Jobs. But let’s talk post-grad in particular.

CP: Absolutely. Although there’s lots of room for folks to navigate their own path, there are three main potential ways to get hired into a criminal legal reform position at graduation. The first is through a fellowship, which is the most common entry point we see. You can pursue fellowships as a 3L, or after a clerkship, which is an experience valued by many organizations engaged in systemic litigation. Some of the most popular fellowships, like Skadden, Equal Justice Works, and Justice Catalyst, require you to apply with a project developed in conjunction with a host organization. A smaller number of organizations might have their own funded fellowships as well, which you can apply for directly.

CP: Some students also start their criminal legal reform career by working “in the trenches” as a public defender or prosecutor.

CP: Finally, though it is very rare at the entry level in this field, there can occasionally be opportunities for direct hire into a legal position. For example, through its Honors Program, the Department of Justice typically

hires a small number of 3Ls and clerks into its Civil Rights Division every year.

ES: OK, I think that covers the basics, to get you started thinking about the possibilities! Thank you for joining us, and we hope this podcast has served as a useful starting point for those of you interested in criminal legal reform work.