



## Summer 2021 EJA Fellow:



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**Organization:** Legal Aid Chicago – Juvenile  
Expungement Help Desk (JEHD)

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### Update 1:

Hello, friends! As some of you may know, I am working with Equal Justice America to spread awareness about the important public interest-oriented legal work that law students like myself are involved with this summer. Legal work dedicated to bringing access to justice to communities most greatly affected by systemic inequalities in America is severely underfunded, so if you are passionate about the furtherance of social, economic, and legal justice, please consider donating to EJA's fundraising page linked below!

On another note, it's time for my first #EJAFellowUpdate. This summer, I am working with Legal Aid Chicago's Juvenile Expungement Help Desk (JEHD) to help our clients secure the expungement of their juvenile records. Over the past couple of weeks, I have already become very acquainted with the societal barriers that almost every individual with a juvenile criminal record is forced to face; their applications to universities is made significantly more difficult, potential employers may discover their juvenile record and consequently deny them a job — the list goes on. It is important to note a common misconception, however: the vast majority of juvenile records are eligible for IMMEDIATE expungement! Due to this common misconception, many individuals have not been made aware of their ability to reach out to the JEHD for assistance with expungement until after they have encountered an obstacle that interferes with their ability to achieve specific personal goals. This issue does not negatively affect the likelihood of their expungement petition's success, but rather, it highlights the punitive nature of the maintenance of criminal records; punishment should not be permanent.

In other news, last week, Regina J. Hernandez - my supervisory attorney at Legal Aid Chicago - amended a client's expungement motion for a cannabis-related offense last week. On June 10th, Regina's amended motion to vacate and expunge was granted in court! This is a profound victory; since the January 1, 2020 passage of the Cannabis Relief and Tax Act, the granting of this motion to vacate and expunge a "minor" cannabis conviction was the first of its kind in Illinois! In the U.S., nonviolent drug charges — especially cannabis-related offenses — fuel the structural injustice perpetuated via our nation's system of mass incarceration. Congratulations, Regina!

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### Update 2:

Hello everyone, I'm back with another EJA Fellow Update. Working in juvenile expungement over the past couple of weeks has been hectic. As I reflect on July 4th, I think about what it means to be an American. While I



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appreciate the opportunities available to me as a U.S. citizen, I cannot help but notice that many Americans presently fail to acknowledge — or otherwise choose to ignore — the glaring, widespread issue that is criminal disenfranchisement. Today, it is significantly more convenient for us to turn a blind eye to injustice than to call for reform. Is it American to boast exceptionalism if we are simultaneously ignoring the deprivation of our neighbors' privileges?

This past month, I have been working with clients, one-on-one, to understand the barriers each person faces as a result of having a juvenile record. Most of the clients that Legal Aid Chicago's Juvenile Expungement Help Desk works with are struggling to receive acceptance letters from jobs that they are overqualified for, or from schools that they are qualified to attend. Rejection letters are, unfortunately, the norm for many individuals with a juvenile record. Why should someone be punished for a lifetime, as a consequence for something they did as a minor?

Having a juvenile record prevented a recent JEHD client from being able to register for gun ownership in order to protect his wife. While our client is at work, his wife is harassed by strangers at their home. He is concerned about her livelihood. A juvenile arrest from over 40 years ago is preventing him from ensuring that his wife feels safe at night. This client, like many other JEHD clients, was arrested as a teen in an over-policed neighborhood and has not been adjudicated for any adult criminal activity. Today, juvenile justice serves as a permanent punishment that keeps members of underprivileged communities from fully enjoying the rights and privileges promised to all Americans. Does this seem American to you?

The JEHD is dedicated to seeing that members of our community fully regain the rights and privileges that have been hindered, or taken from them, at the hands of the criminal justice system. I feel blessed to have been given the opportunity to work with such an amazing organization, and I am looking forward to seeing some of our clients (whom I have been directly working with) expunge their juvenile records.

To me, being an American in 2021 demands more than simply being aware of, and understanding, the systemic nature of socioeconomic inequality in the United States. Being an American in 2021 calls for taking reformative action.

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### **Update 3:**

Hi all, It's time for my third EJA Fellow Update! I'm overjoyed to share that today, my supervising attorney Natanya Pope and I successfully expunged ALL FIFTEEN of our client's juvenile arrests with no objection from the State. Over the past month, I worked hand-in-hand with Natanya to dig up our client's juvenile records (some of which had been destroyed by police departments), examine MANY convoluted documents, decipher which arrests matched up with pieces of information in the records and, finally, file a petition for fifteen expungements. Today, the judge granted every single one of Legal Aid Chicago's expungement orders.

Our hard work paid off, but today's court call actually wasn't the most impactful part of working on this case; the example Natanya set for me was. Throughout this experience, Natanya showed me what being a selfless, zealous advocate truly looks like.

Despite being thrilled about the outcome of today's hearing, Natanya and I were also (admittedly) thrilled to



end communication with our client. For a month, this client was condescending to both my supervising attorney and me. What I find interesting, however, is that neither Natanya or I really made it clear to one another that we were struggling to deal with his behavior towards us — until last night.

While bringing up that I had been treated poorly by our client a handful of times, I expressed my concern about the potential for his attitude to cut against a favorable ruling. Natanya shared that she had also been disrespected by him and then, unknowingly, taught me a lesson that will forever stick with me: “We are not magicians, Elli,” she said, “All we can do is try our best to advocate for each of our clients, regardless of how they treat us. Everything else is out of our control.”

I tend to catch myself becoming upset or angry about matters tangential to a case — whether that be the judge’s personal beliefs negatively affecting a case outcome, the larger issue of systemic racism being built in part by the criminal justice system, or something as simple as a client’s attitude having the potential to sabotage his chances for expungement. Moving forward, when I feel myself becoming overwhelmed by variables outside the scope of my control, I will remind myself of the advice Natanya gave me.

To Natanya Pope: THANK YOU for being the best first supervising attorney I could have ever asked for. Your work ethic and wisdom are an inspiration.

And to my LinkedIn connections: A lot of the things that women — and especially women of color — in the legal profession have to go through, as well as the things they accomplish, go unnoticed or are under-appreciated. Remind the powerful female attorneys in your life that you support them!

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#### **Entry 4:**

It’s time for my FINAL EJA Fellow Update. Today, during the second-to-last week of my internship, I got to attend my first in-person hearing at the Cook County Juvenile Courthouse — which was actually my supervising attorney’s (Natanya Pope) first time appearing on behalf of a JEHD client in-person! Today was full of firsts!

Unfortunately, though, today’s hearing did not go as expected. Our client was arrested as a juvenile for a sex case, was charged and convicted as an adult, and was required to register as a sex offender. Northwestern’s expungement clinic later removed our client from the registry and had the adult case sealed.

Now, our client is trying to get ONLY the juvenile arrest for this case expunged, since no petition was filed in juvenile court for this arrest. In other words, our client was never adjudicated for this arrest in juvenile court. At the beginning of today’s hearing, our client’s expungement petition received no objection from the State Attorney’s Office. However, after the judge took a break, the judge asked the State’s Attorney AGAIN whether he would like to object. In essence, she was asking him to reconsider his decision to withhold an objection to our client’s petition. The ASA then chose to object and our case was continued.

This case will be difficult to argue because the law is on State’s side when it comes to objections (section 1.5 of the Juvenile Court Act allows the State’s Attorney to object to expungement petitions pertaining to criminal convictions on the grounds that the records contain ANY specific relevant information). Nonetheless, this



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arrest was never adjudicated in the jurisdiction in which expungement is being sought. I am confident that my supervising attorney will shed light on the severe underlying issues pertinent to this case.

Our client has been working as a police officer for some time now, but he has nonetheless been denied various job positions on the basis of this specific juvenile arrest. If the State can object to an expungement petition on essentially ANY grounds, how can individuals in our communities ever put an end to their permanent punishment for being arrested as a juvenile?

On another note, I had an amazing experience working with the JEHD at Legal Aid Chicago this summer. Not only was I finally able to get the hands-on legal experience I was eager to obtain, but I had the privilege of learning from some of the best attorneys I have ever had the pleasure of observing. I'd like to give a special thanks to Regina J. Hernandez & Natanya Pope for being such wonderful supervisors — and, more importantly, role models — to me, and to Ivana E., for being such a genuine & kind co-intern! We never met in person, but I knew I could always count on you whenever I needed a helping hand. :-)

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