

BigLaw Firm Leaders Back NY's Clean Slate Bill

By Sarah Martinson

Law360 (March 7, 2022, 2:02 PM EST) -- Leaders from nearly 50 New York law firms, including Morgan Lewis, Akin Gump and Paul Weiss, are backing the state's proposed clean slate legislation that would automatically seal certain convictions, according to a memo seen by Law360 Pulse on Monday.

In the memo, the leaders urged state lawmakers to pass the proposed legislation, saying the bill's passage would "transform" millions of New Yorkers' lives and be economically beneficial to the Empire State.

The memo notes that criminal records create employment barriers and disproportionately impact Black and Latino New Yorkers, who represent 75% of the state's formerly incarcerated populations.

"If implemented, clean slate legislation will help bolster the state's economy by tapping the talents of millions of people who are currently unemployed or underemployed because of their past criminal records even though they meet the required conditions in the act," the memo said.

New York lawmakers have introduced concurrent bills in the state Senate and General Assembly that propose automatically sealing conviction records three years after the imposition of a misdemeanor sentence and seven years after the imposition of a felony sentence.

New Yorkers also must not be under state supervision, either on probation or parole, have a pending criminal charge or have been convicted of a sex offense in order to be eligible for automatic sealing of conviction records, under the bills.

Akin Gump Strauss Hauer & Feld LLP Chair Kim Koopersmith told Law360 Pulse in a statement on Monday that the proposed legislation "is long overdue for New Yorkers who have already served their sentences but continue to deal with the civil roadblocks of a record."

"By passing the Clean Slate Act, we can break the cycle of poverty. I hope this important legislation will be enacted promptly so that New Yorkers with prior convictions will have a chance to contribute to their state and rebuild their lives," Koopersmith said.

Since the state's current criminal record sealing system went into effect four years ago, fewer than 2,500 people, representing less than 1% of eligible New Yorkers, have had their records sealed, according to the memo.

"The current discretionary record-sealing system, which requires New Yorkers to apply to a court for relief, has proven to be inadequate and ineffective," the law firm leaders said in the memo, adding that "the current law is complex, difficult to navigate and far too limited in scope."

Morgan Lewis & Bockius LLP Chair Jami McKeon told Law360 Pulse in a statement on Monday, "Too many New Yorkers are denied access to housing and employment because of a prior conviction, leaving them unable to work and provide for themselves and their families long after their sentence is served."

"All New Yorkers deserve to live full lives as thriving members of their communities," McKeon said.

Paul Weiss Rifkind Wharton & Garrison LLP Chairman Brad Karp told Law360 Pulse in a statement that the proposed legislation "is a historic, and long overdue, step towards ending the perpetual punishment of a conviction that denies more than two million New Yorkers with prior conviction records access to housing, employment, and other resources."

--Editing by Steven Edelstone.