

THE UNIVERSITY OF MEMPHIS LEGAL CLINIC
EXPUNGEMENT AND RESTORATION OF RIGHTS CLINIC
PROFESSOR AMBER FLOYD

The Basics

The Expungement and Restoration of Rights Clinic will be offered as a TWO-CREDIT GRADED course.

Course Pre-Requisites or Co-Requisites: Professional Responsibility and Evidence should be taken either before the clinic or concurrently with the clinic, although these requirements may be waived in certain circumstances. Requests for waiver should be made in the clinic application.

Course Description

The Expungement and Restoration of Rights Clinic will introduce students to the theoretical and practical aspects of representing clients with legal needs arising from the collateral consequences of prior arrests and convictions. Under the supervision of licensed faculty and collaborating attorneys, Clinic students will provide direct representation to individuals seeking: (1) expungement of criminal records; (2) court cost waivers in closed criminal matters; (3) restoration of citizenship/certificates of voter restoration; and (4) certificates of employability.

Clinic students will concurrently complete a curriculum designed to provide training in the handling of expungement and restoration of rights cases, to expose students to the complex legal, policy, social, and economic issues faced by persons previously charged with or convicted of criminal offenses, and to enhance the vital lawyering skills students will use in their casework and in practice beyond. The Clinic will emphasize team practice and collaboration, and, where possible, develop and seize on community partnerships to provide broadly focused, multi-systemic advocacy for Clinic clients.

Clinic Casework

Under the supervision of Clinic Faculty and collaborating attorneys, Clinic students will assume full responsibility for handling all aspects of the individual cases they are assigned. The work of Clinic students will include, but not be limited to, the following activities:

1. Students will meet with clients for intake, conduct initial client interviews, and compile files for each client that will include criminal case information, employment information, references, and other pertinent information. Based on the client file, the student will make recommendations for necessary pleadings and motions based on eligibility.

2. Based on approved recommendations, students will prepare and file appropriate petitions and/or motions. Students will conduct necessary research regarding completion of jail sentences, probation, and parole, and obtain the necessary executed forms from appropriate agencies. Students will also prepare proof for any applicable hearing, including but not limited to preparation of character witnesses, direct examination outlines, and necessary exhibits.
3. Pursuant to their limited practice license and under supervision, students will conduct required hearings or other types of case presentations to the court. Students will prepare and enter appropriate orders as needed.
4. In addition to caseload, student will conduct at least one presentation to a community organization or other community members regarding voter restoration, expungements, and other collateral consequences of the criminal justice system.

Course Enrollment and Credit

The Expungement and Restoration of Rights Clinic will be open to a maximum of four (4) students during the Spring 2024 semester. In order to be eligible for enrollment, a student must have completed at least one-half of the legal studies required for graduation and be in good academic standing. Additionally, a student must have successfully completed or be concurrently enrolled in Professional Responsibility in order to be eligible for course enrollment. Students will earn two (2) hours of graded, academic credit for their satisfactory completion of the Clinic.

Time Requirements

The Expungement and Restoration of Rights Clinic will meet once weekly for one hour and fifty minutes (class time TBD). Additional orientation sessions will be scheduled during the first three-to-four weeks of classes as an intensive introduction to the Clinic's work and for training in Clinic procedures. Thereafter, students can expect to spend a total of eight (8) hours per week on Clinic class, casework, and case-related activities, including supervisory sessions, meetings, and simulations.

Bar Preparation

This Clinic will expose students to fundamental aspects of Civil Procedure, Criminal Law, and Constitutional Law. Clinic students will also complete and be assessed on a timed assignment designed to simulate the Multistate Performance Test component of the bar exam.