



## Driver's License Restoration Update

Last month Pisgah Legal Services ("PLS") and Buncombe County executed a contract to expand the Driver's License Restoration ("DLR") pilot program. The previous contract provided \$10,000 to use as financial aid for PLS clients' court and DMV fines and fees. The new contract increases that to \$15,000, and more importantly, provides salary and benefits for a full time PLS legal assistant, and other supports for the program.

The goal of the new contract is to provide financial aid to at least 15 clients, compared to a target of 10 under the old contract. 25 clients eventually received financial aid under the old contract. The amounts of financial aid under the old contract ranged from about \$10 to more than \$1000, with an average of about \$400 per person. 13 clients restored their driver's licenses or became eligible to do so. The process can take months, so several others who started working with PLS under the previous contract are likely to restore their licenses or become eligible to do so during the new contract.

The DLR legal assistant, Suzanne Ponder, will transition from another role at PLS shortly. She will be housed at the JRC, and in addition to providing general support to the program, will serve as the sole, dedicated screener for these cases. The screening process is currently a bottleneck, and we are hopeful that a trained and dedicated screener will allow us to triage cases far more effectively and free up attorney time for other tasks.

PLS has been meeting with JRC, treatment court staff, RHA re-entry team and others about referrals. So far, we have approximately six to eight new clients from various sources, along with existing clients who will need further assistance.

Beyond increasing the numbers served, the hope is that the expanded resources will allow PLS to explore related DLR projects, including:

- Attorney representation at DMV administrative hearings for high need-high impact clients with "Permanent" suspensions.
- Continued training on expunction and DLR for our new Veteran's Law Generalist Attorney Misty Greene.
- Collaboration with staff at a local correctional facility to implement a pro-se DLR restoration mechanism for detainees.
- Increase use of 415 motions by general Buncombe County pro se defendants for debt relief relating to license suspensions.

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## Expunction Update

In partnership with the Buncombe District Attorney's Office, the Justice Resource Center, the Clerk of Court's Office, Judges Hill and Thornburg, and Duke and Campbell University Law Schools, a mass expunction clinic will be held next March. Using the Raise the Age provisions of the Second chance Act of 2020, we plan to expunge several hundred Buncombe County convictions. Approximately 10-12 law student volunteers from Duke and Campbell Law, trained and supervised by Professors DJ Dore and Emily Mistr (bios below), will draft petitions to be filed by the DA's Office. PLS staff and volunteers regularly file petitions of this sort on behalf of individual clients here and around the state, but with this group, and the support of the DA's Office, court staff, and judges, we will greatly expand our capacity to provide second chances in Buncombe County.

### Raise the Age Expunction Relief

Until 2019, 16 and 17 year old North Carolinians were treated as adults in our state criminal justice system. Today, such person in NC would be considered a juvenile and would not have a permanent criminal record. The Raise the Age Provisions are intended to remedy that inequity by making it easier to expunge those pre-2019 convictions. To facilitate mass-relief initiatives and reduce the massive backlog, the law allows for prosecutors to file these petitions on behalf of defendants. Defendants do not need to be involved in the petition process but those receiving relief will be notified via mail and a website.

### Professor Biographies

Professor DJ Dore is the Director of Duke Law's Pro Bono Program and joined the law school in May 2022 after eight years at Legal Aid of North Carolina, where most recently he held positions as Supervising Attorney in the Durham Office and the Veterans Law Practice Group Manager. Outside of Duke, Dore is an officer in the Army Reserve and has completed multiple deployments to the Middle East, Africa, and Europe. He previously served in the NC National Guard and was a member of the All-Guard Marathon Team.

Professor Emily Mistr is the interim director of the Blanchard Clinic at Campbell Law and is affiliated with the Fair Chance Criminal Justice Project. She previously served for nearly 15 years as public defender in Raleigh and is an expert on NC expunction and DLR law.

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