What Can the Legal Profession Do For Us? Formerly Incarcerated Attorneys and the Practice of Law as a Strengths-Based Endeavour

James Binnall

ABSTRACT

In recent years, the concept of strengths-based reentry has gained increased attention from scholars and commentators. Proponents of the strengths-based paradigm argue that the formerly incarcerated are far more than a collection of needs and risks. Rather, we bring unique skills to the reentry process that can be utilized to engage in generative activities that serve to diminish the stigma of a criminal history and to promote post-release success. Drawing on my own journey from prison to practicing attorney, this article contemplates the legal profession as one such generative activity. By serving clients at risk of criminal justice system involvement and organizing to promote experiential diversity at law schools and in the bar, many formerly incarcerated attorneys are engaged, often subconsciously, in ongoing stigma/shame management at the micro and macro levels respectively. For these reasons, this paper contends that the legal profession ought to be considered a viable, realistic option for formerly incarcerated students, as they possess the empathy to excel as attorneys and to use the law as a means of transforming their own self concept.

INTRODUCTION

Traditionally, risk-based and need-based paradigms have dominated reentry initiatives (Monahan & Skeem, 2016; Schlager, 2013; see also Andrews et al., 2011). Such paradigms presume that the formerly incarcerated possess a host of criminogenic deficits that, without targeted intervention, pose a substantial risk of recidivism (Maruna & LeBel, 2003). Conversely, strengths-based approaches to reentry and reintegration – rooted in restorative principles (Eglash, 1977) – move away from a conception of the formerly incarcerated as "merely liabilities to be supervised" (Travis, 2000, p. 7), and instead acknowledge that those who have spent time in prison come with a unique set of skills and attributes that can be exploited and utilized to aid in the desistance process (Burnett & Maruna, 2006; Hunter et

al., 2016; LeBel et al., 2015). Proponents of the strengths-based approach argue "that the traditional risk-based paradigm that pervades the criminal justice system is not effective in understanding or implementing successful offender reentry and that a new narrative – a strengths-based approach – is necessary if we hope to make forward progress in our 'what works' efforts" (Schlager, 2018, p. 70).

Along these lines, many formerly incarcerated individuals seek out higher education as a means of successfully transitioning from imprisonment to freedom (e.g. Fretwell, 2019; Copenhaver et al., 2007). Research makes clear that for those who have spent time behind bars, higher education post-release can facilitate successful reentry (Halkovic, 2014). Generally, studies demonstrate that compared with formerly incarcerated individuals who do not pursue higher education, formerly incarcerated students enjoy better life outcomes and opportunities (Sokoloff & Fontaine, 2013), better economic and social mobility (Strayhorn et al., 2013), and a more promising future post-release (Livingston & Miller, 2014).

Navigating a path from prison to a college or university is a journey replete with obstacles. One of the most significant obstacles formerly incarcerated students face are the informal, interpersonal ramifications of a criminal history (LeBel, 2012). For most of us who have spent time in and adapted to prison, the stigma of a criminal conviction can make reentry and desistance exceedingly difficult (Haney, 2018; Petersilia, 2003; Travis, 2005). In the context of education, studies demonstrate that faculty (Copenhaver et al., 2007), staff (Winnick & Bodkin, 2008), and students (Halkovic & Greene, 2015) often exhibit prejudicial and even discriminatory attitudes toward the formerly incarcerated on campus. This stigma can have lasting consequences. For the formerly incarcerated who choose higher education – an endeavour that exposes one to a considerable degree of vulnerability – denigrating stereotypes are often internalized (Maruna et al., 2004). In this way, the formerly incarcerated may have difficulty shedding the 'criminal' label and ascending to the status of 'student' (Maruna & Roy, 2007; Maruna, 2001).

Research suggests that generative activities can help formerly incarcerated individuals to overcome the stigma of a criminal conviction (Hlavka et al., 2015; LeBel et al., 2015; Maruna, 2001). Engaging the formerly incarcerated in helping roles that contribute to society in prosocial ways can alter how community members view individuals with a criminal

history, tempering the stigma of criminal justice system involvement ("The Second Mile") (Eglash, 1977). Further, when 'helpers' coalesce to advocate for policy reform relating to criminal justice issues ("The Third Mile"), such efforts can blunt the stigma of a criminal conviction for the formerly incarcerated population generally (LeBel & Maruna, 2009). In this way, generative, strengths work operates to attack stigma at the micro (individual) and macro (population) levels (LeBel & Maruna, 2009).

Institutions like the legal profession too often assess the value of inclusion and diversity from the perspective of those without a history of criminal justice system involvement (Clark, 2005). Such assessments typically ask, "What can formerly incarcerated individuals add to our profession?" In this article I take a different tact, asking, "What can the legal profession do for the formerly incarcerated?" Specifically, this article argues that the practice of law is a strengths-based, generative activity that can facilitate the destigmatization of the formerly incarcerated at the micro (individual) and macro (population) levels and, as such, ought to be conceived of and promoted as a legitimate educational option for those who have criminal justice system involvement.

I am a formerly incarcerated attorney who now helps other formerly incarcerated individuals achieve their goal of becoming a practicing attorney. I am also the Co-Founder and Co-Executive Director of the California System-Involved Bar Association (CSIBA), the first state-level bar association in the United States created exclusively for formerly incarcerated and system involved law students and attorneys (CSIBA, 2020). Drawing on my experiences as a reentering person, a law student, and now an attorney serving individual clients and engaging in grassroots organizing around this issue, I explore the legal profession from a strengths-based perspective. Two sources of data drive this analysis: my own reflective narrative and participant survey data from the 1st Annual CSIBA Convening.

Admittedly, I am not representative of all formerly incarcerated attorneys. I am a white male who had obtained an undergraduate degree and a master's degree prior to my incarceration. Accordingly, I was undoubtedly afforded opportunities that many with dissimilar demographic and educational profiles do not enjoy. Still, I believe my journey is illustrative. I, and many of my formerly incarcerated brethren, gravitated toward the law to help others like us and we continue to promote the legal profession as a means of effecting social change (e.g. Hopwood, 2018; Reza-James, 2020; Simmons,

2019). In these ways, through the practice of law, we manage our own stigma and that of our population.

Along these lines, this paper details the process of becoming an attorney before chronicling my own path from prison to the law, paying special attention to those pinch points that can derail a formerly incarcerated individual's quest to enter the legal profession. I then turn to an analysis of the legal profession as a strengths-based endeavour, drawing on Albert Eglash's four principles of restorative reentry and weaving in salient aspects of my own reentry process. Finally, the paper concludes by highlighting the benefits of a legal career for formerly incarcerated attorneys, suggesting that the practice of law can serve to mitigate stigma at an individual level and for our population writ large.

ENTERING THE LEGAL PROFESSION

Formal Access Obstacles

Becoming an attorney is a difficult task for anyone. For the formerly incarcerated, the journey comes with significant obstacles. At two distinct phases of the process, admission to law school and admission to the state bar (Aviram, 2020), an applicant must explain their criminal history and prove that they are of 'good moral character', a vague standard that has been the topic of considerable debate (for a review see Rhode, 2018). This task, which almost always requires admitting fault and establishing a record of rehabilitation, is an exacting standard for those with criminal justice system involvement who are by default deemed 'risks' to the profession (Binnall, 2009; Rhode, 1985).

Admission to Law School

To win admission to law school, not only must one complete their undergraduate degree, but they must also score well on the Law School Admission Test (LSAT). For formerly incarcerated applicants, they must also provide an explanation of their criminal record. In response, schools may ask for an in-person interview, additional court documents, and/or reference letters attesting to an applicant's 'moral character' (Weissman et al., 2010).

In recent years, legislative efforts have eased application barriers for prospective formerly incarcerated students (Evans et al., 2019; Vuolo et al., 2017). For example, in 2020, California passed Senate Bill 118, a

measure that forbids public and private institutions of higher education from "inquir[ing] about a prospective student's criminal history on an initial application form or at any time during the admissions process before the institution's final decision relative to the prospective student's application for admission" (Senate Bill No. 118, 2020). Still, S.B. 118 came with exceptions. Of note is the professional licensure exception to S.B. 118, which allows law schools to continue to inquire about criminal history as part of their admission screening process (Vest et al., 2020).

An insidious by-product of up-front criminal record application questions is what some term "application attrition" (Rosenthal et. al., 2015). One study revealed that when faced with a criminal record inquiry, nearly two-thirds of college applicants forgo applying altogether (Rosenthal et al., 2015). Though research on application attrition among formerly incarcerated law school applicants is scant, a recent report by the Stanford Center on the Legal Profession and the Stanford Criminal Justice Center suggests that application attrition also plagues legal education (Cohn et al., 2019). Their "survey of 88 individuals with criminal records suggests that concerns about satisfying moral character requirements deters interested individuals from applying to law school" (Cohn et al., 2019, p. 5). These findings are all the more troubling when one considers that the U.S. population of formerly incarcerated citizens is disproportionately comprised of racial minorities (Alexander, 2012). In 2018, while Black and Latinx citizens made up only 28% of the overall U.S. adult population, they were 56% of the U.S. prison population (33% and 26% respectively) (Gramlich, 2020). In this way, law school criminal record questions likely serve to racially homogenize an already older, whiter profession (Beaulieu, 2018; Johnson Jr., 1996).

Thus, the current reality is that the vast majority of formerly incarcerated law school applicants will encounter a criminal record question during the law school admissions process, which may deter many from applying. Those that do apply will then be forced to prove to their prospective law schools that they possess good moral character – the same task they must undertake when applying for admission to a state bar after completing law school (Aviram, 2020).

Admission to the State Bar

Once a student has completed law school and passed a bar exam, they must once again prove they possess the requisite character to practice law

(Swisher, 2008). Accordingly, all law school graduates seeking to practice law must take part in their jurisdiction's moral character and fitness process, which is designed to establish that "graduating law students… meet high standards of moral character" (Arnold, 1997, p. 63). Though very few applicants without a criminal history are denied bar admission for character issues (Rhode, 1985, p. 16), for the formerly incarcerated, "the application process can become particularly troublesome" (Arnold, 1997, p. 63). As Devito (2008, p. 158) notes, "[a]pplicants with criminal acts in their past often face a heightened burden of proof of good moral character".

The moral character and fitness process begins with the requirement that bar applicants complete a lengthy questionnaire that asks a series of significantly probing questions, including a criminal history inquiry (Stone, 1995). For an applicant with a conviction, bar examiners will almost always seek out additional information about the criminal offense. Once an applicant has provided the requested information to the relevant jurisdiction, the process for determining fitness of character depends on the favored jurisdictional approach (Binnall, 2009; Carr, 1995). In some jurisdictions, a conviction disqualifies an applicant from admission to the bar, while in others a conviction merely amounts to a presumptive disqualification, creating a "rebuttable presumption that an applicant with a record of prior unlawful conduct lacks the requisite character to practice law" (Carr, 1995, p. 380).

To rebut the presumption that one with a conviction history lacks good moral character, bar applicants are forced to, once again, produce evidence of their rehabilitation. Certain jurisdictions use "specific guidelines and requirements for judging an applicant's moral character" (Graniere & McHugh, 2008, p. 223), giving applicants direction on how to prove their fitness, termed as the "guided approach" (ibid, p. 236). Other jurisdictions, like California, take an "[u]nguided approach", basing admission on "subjective personal feelings, beliefs and attitudes of the Bar Examiners" (ibid, p. 223). For an applicant, the unguided approach offers little direction, making the entire process incredibly stress inducing. Accordingly, as one scholar notes, "[a]pplicants with incidents of unlawful conduct in their past can find the road toward bar admission confusing and unpredictable" (Anderson, 1997, p. 63).

Winning admission to law school and then to a state bar are events that clearly serve as redemption rituals (Maruna, 2001). In a formal way, becoming a law student and then a practicing attorney confers a high level

of trust and respect to a formerly incarcerated person. Still, such accolades tend to fade over time, leaving a formerly incarcerated attorney to find meaning in a profession where very few of us exist. In response, most formerly incarcerated attorneys – myself included – turn to helping others, doing the strengths work necessary to garner acceptance for ourselves and our population.

MY JOURNEY FROM CELL TO COURTROOM

In May 1999, at age twenty-three, I was the driver in a fatal DUI wreck that claimed the life of my passenger, my best friend. A year later, a jury convicted me of DUI Homicide and a judge sentenced me to three and a half to seven years in prison. I went inside on 16 May 2000.

Early in my imprisonment, I realized I could never go back to the life I had built prior to my offense. Once a college wrestling coach and an elementary school teacher, I was no longer fit to do either. I lost both positions when I was convicted. I also lost any hope that I would ever again run a wrestling practice or command a classroom.

I remember little of my first year in prison. Paranoid and petrified for months on end, I moved through that initial stretch in a fog. As I emerged from the haze of getting dug in, I began to contemplate my future. Prison officials assigned me to teach GED classes at the institution's school. Being around it again – the classroom and the students – reminded me of my prior existence. There, I espoused education as the key to a better life. Doing so eventually motivated me to look inward and I started to plan my own educational journey post-release.

My first step was to identify a profession or job that would inspire my passions and afford me enough to live comfortably. My career would also need to be one that permitted formerly incarcerated individual's entrance. While I considered social work and psychology, I settled on the law. The law involves adequate compensation and offers a platform for intellectual combat – like a wrestling match only a bit different. Still, I had no idea if I would be allowed to practice.

My initial step in my pursuit of a legal career was to research the possibility. Having no computer or online access, I asked my friends and family on the outside to assist me. What they told me was encouraging. While they noted that professional standards for attorneys seemed vague

– to possess 'good moral character' – in the overwhelming majority of jurisdictions, those standards were not categorical nor insurmountable for one with a felony conviction. Nonetheless, while a possibility, a career in law was far from a certainty. I would have to take a chance. I would have to enroll in law school not knowing if I would ever be licensed. I decided to roll the dice.

After settling on the law, I petitioned my Superintendent (Warden) to take the Law School Admission Test (LSAT) while incarcerated. After an initial denial, prison authorities eventually agreed to allow me to test. On a Saturday in October 2001, I took my LSAT's on the inside. The experience was surreal. My proctors were the Vocational Guidance Director and a Corrections Officer. The former encouraged my efforts, while the latter chastised me on test day, chiding "I have no idea why you are doing this, you are an inmate, and that is all that you will ever be, in here or out there!" I never forgot his admonition and have called on it many times as motivation in the nearly two decades since he uttered those words.

I scored well on my LSATs and subsequently applied to eleven law schools while still a prisoner. I was accepted to ten, but nine explained that I could only start my studies after my period of parole had ended. One school – Thomas Jefferson School of Law in San Diego, California – not only accepted me, but also awarded me a full tuition scholarship based on my LSAT score. Initially, I calculated that this acceptance, and permission to start my studies while on supervision, would win me favour with the parole board. I was wrong. At my minimum, the parole board denied my release and delayed my review for a year (a year "hit"). I was devastated. Luckily, my new law school was willing to defer my admission. My dream was still alive.

When I was re-reviewed, I was finally granted my freedom. In June 2004, I paroled to my parents' home in Boston, where I would spend the next six months waiting for word on my interstate compact application. In December 2004, I was granted my transfer and on 1 January 2005, I moved to San Diego to begin my legal studies. In the end, I loved law school. I enjoyed the systematic, linear character of the law. I also enjoyed the power that the law conferred. Knowing how to 'think like a lawyer' is empowering. I graduated near the top of my class, went on to complete a graduate law degree (LL.M.) at the Georgetown University Law Center and passed the California Bar Exam on my first try in 2008. Still, I had no idea if the State Bar of California would admit me.

I began my application to the State Bar of California in my 2L year (second year). The application was lengthy and asked explicitly about criminal convictions. One look at the specificity of the inquiries and it became abundantly clear that I would need assistance with this process. The attorney I hired had never represented an applicant who had spent time in prison. She was unsure about how to proceed and cautious about advising me on my chances. Her strategy was to simply document my conviction, history of alcohol use, and efforts to rehabilitate my character post-release. In short, she recommended complete honesty and a detailed accounting of my life. I wrote from the heart and left nothing out. Thirty pages later, my personal statement and history of alcohol use were complete. The entire process was incredibly traumatizing. In those pages, I relived the worst experience of my life, admitting fault in the death of my close friend and begging the state bar for forgiveness.

In California, when a bar applicant has a criminal history, the State Bar will typically invite the applicant to an Informal Conference. While not officially an adversarial proceeding, this administrative hearing is nonetheless stress inducing. Along with my lawyer, I agreed to attend the Informal Conference. Not long into the meeting, I was struck by the tone of my interrogators. Much like my two prior parole hearings, questions at the Informal Conference were seemingly designed to corner an applicant. Here my incarceration experience served me well, as I had previously taken part in two rather intense parole hearings. Using the lessons I learned during those hearings, I was able to avoid any major missteps. One month later, I was given a positive Moral Character and Fitness Determination and was sworn in as a licensed California attorney in December 2008.

When I was sworn in as an attorney, I suspected that my reentry had come to a successful close. I had done what precious few do after a significant period of incarceration. Still, I wondered. I struggled with self-esteem issues, imposter syndrome, and a general fear that I was simply an outlawed 'other' masquerading as an upstanding professional (Binnall, 2007). This "status fragility" plagued me early in my legal career (Tietjen & Kavish, 2020; see also de Botton, 2004). But as I began to work with formerly incarcerated people – hundreds since my swearing in – I found an identity and a purpose. Soon enough, I was not EG1900 of the Pennsylvania Department of Corrections. Instead, I am California Attorney 260974. For

me, this was the power of strengths work and a closer look through the lens of restorative or strengths-based reentry illustrates just how the practice of law can mitigate the stigma of a criminal conviction.

A STRENGTHS-BASED FRAMEWORK

Strengths-based reentry models demand that the formerly incarcerated draw on their skills and attributes to contribute meaningfully to the communities to which they return (see Hunter et al., 2016). By doing so, those with criminal justice system involvement can influence how others view them. When the formerly incarcerated give back, they demonstrate a "worthiness for forgiveness" that deserves redemption or "reputational rehabilitation" (Maruna, 2009). In this way, strengths-based approaches help those who have been incarcerated overcome the stigma of their conviction and build a pro-social self-concept (Maruna, 2001).

Still, those who espouse a strengths-based approach make clear that *how* the formerly incarcerated give back is an essential question. Discussing the work of Albert Eglash (1958, 1977) – the psychologist credited with the term "restorative justice" – Maruna and LeBel (2009, p. xx) note:

> [T]raditional forms of restitution or punishment may be enough to satisfy the needs of justice, but may not be enough to earn a person's redemption. He (Eglash) argued that redemption involved going a 'second mile'. Not just paying one's debt (justice) but also demonstrating one's worthiness for forgiveness by giving something back to the community.

Expanding on this principle of 'giving back', Eglash suggested four elements of "restorative reentry". Arguably, when these elements are met, "formerly incarcerated individuals experience redemption rituals which in turn shed perceptions of stigma and signal control over one's own life" (Smith, 2018, p. 3).

Strengths Work is Constructive Activity: Entering the Profession to Help Our People

For those who are formerly incarcerated, work is an interesting concept. Inside, many of us were given jobs that were menial. They gave us boring,

mindless, repetitive tasks that did little to inspire and certainly – at cents per hour – and did not afford us much financial comfort. Upon release, many of those same types of jobs are all that are available for those of us with criminal justice system involvement (Becker, 1968; Kling, 2006). Strengths work is different. As Eglash and others explain, strengths work must "involve constructive activity that contributes tangible benefits, especially to harmed communities" (Smith, 2018, p. 3).

Prior studies suggest that formerly incarcerated individuals gravitate toward helping professions (Halcovik & Greene, 2018). As Halkovic and Greene (2018, p. 773) note, "research findings suggest many students who have spent time in jail or prison enroll into the human services fields, as opposed to more financially lucrative fields because they have a drive to serve those society has dealt the least favorable hands". Similarly, Andrew Winn, a formerly incarcerated scholar and Director of Project Rebound at California State University, Sacramento points out, "Many of the students who have incarceration experiences are really drawn towards majors like sociology, psychology, criminal justice, and social work. Those also tend to be the majors that speak most about the experiences of previously incarcerated people and those with convictions…" (Davis, 2020).

My Choice to Study Law

When I began my legal studies, I had no intention of representing criminal defendants or formerly incarcerated law students. I sought to leave the worlds of crime and incarceration forever. But studies suggest that I am the anomaly. For many of the formerly incarcerated attorneys I have represented or have come to know, the call of helping others like us drew them to the legal profession (Aviram, 2020). As Aviram (2020, p. 78) found in her interviews with justice system involved attorneys in California, "[a] ll of them, without exception, mentioned their experiences in the criminal justice system as catalysts for their decision to become lawyers, and most specifically to help [sic] their disenfranchised population". My own ongoing research with formerly incarcerated law students and lawyers suggests strong support for Aviram's findings and ostensibly demonstrates that members of our population seek out the law as a platform for performing meaningful, constructive work.

Strengths Work is Creative and Generative: Empathizing in Service of Others

When formerly incarcerated lawyers assist other criminal justice system involved individuals, they are engaged in creative, generative strengths work (Eglash, 1957). Acting as a wounded healer (Brown, 1991) or a profession ex- (White, 2000), a formerly incarcerated attorney who goes the 'second mile' brings to the practice of law a special expertise that makes them valuable, primarily because they can empathize with our population's struggles (Binnall, 2009; West, 2012). In line with this element of Eglash's formulation then, the most obvious strengths work a formerly incarcerated attorney can undertake is the representation of those facing criminal charges or who are formerly incarcerated (Maruna & LeBel, 2009).

Research suggests – outside of the legal context – that such helping behaviour benefits the helper (LeBel, 2007; Maruna et al., 2004). In particular, in a study of 228 formerly incarcerated individuals involved in a prison reintegration program, LeBel (2007, p. 18) found "a majority of those who counseled new reentrants, those recently released from prison or otherwise less advanced in their reintegration, were more likely to express satisfaction with life and less likely to possess a criminal attitude". Similarly, LeBel and colleagues' (2015, p. 116) research revealed "those who worked as staff members exhibited prosocial attitudes and beliefs, a sense of psychological well-being, and a general satisfaction with life" (see also Heidemann et al., 2016; Perrin et al., 2017). Though scant, burgeoning empirical research focused on the wounded helper paradigm strongly suggests that "becoming more involved in helping others appears to have a positive impact on the psychological well-being of formerly incarcerated persons and possibly acts as a sort of buffer against criminality as well" (LeBel, 2007, p. 18).

In assisting members of our population, formerly incarcerated attorneys necessarily re-work a delinquent past into a source of relevant wisdom (Maruna, 2001). This wisdom combines empathy with an intricate understanding of how criminal justice systems and processes work in practice (Halkovic & Greene, 2015). Importantly, for formerly incarcerated attorneys, empathetic representation is holistic, extending to issues of gender, race, and poverty. In a nutshell, formerly incarcerated attorneys tend to have lived lives similar, if not analogous, to those of their clients. We see ourselves in our clients and for many of us their tangible successes feed our transition from 'criminal' to 'attorney'. Thus, by bringing 'holistic experiential empathy' to the practice of

law – a development endorsed by many legal scholars (see Gallacher, 2012; Westaby & Jones, 2018) – formerly incarcerated attorneys can better serve both their clients and themselves.

My Own Practice

Initially, my legal practice was limited to criminal appeals. Working with an established solo practitioner for the first year of my career, I gained invaluable experience crafting briefs and then arguing their merits. Soon though, my practice took a different turn. In 2009, I founded my own law practice, specializing in the Moral Character and Fitness Determination for applicants who are formerly incarcerated. When I began to help those like me who sought to change their lives through legal education, I soon realized that I brought a unique perspective to my profession. Not only could I empathize with the pain and stress my clients faced having to recount the details of their criminal conviction, but I could also thoughtfully counsel clients with respect to other aspects of their reentry experience. In this way, my criminal history is now a tool in my lawyering arsenal rather than a stigmatizing mill weight around my neck.

Strengths Activities as Self-Determined, but Guided: Choosing to Use Our Experiences

In his formulation of strengths-based principles, Eglash (1977) asserts that for generative strengths work to positively impact the desistance process, it must first be voluntary. In this way, strengths work respects the agency of the formerly incarcerated (Vaughan, 2007).

For formerly incarcerated attorneys, drawing on our past as a tool in the practice of law is an intensely personal, risk-laden prospect. The law is an occupation rife with snobbery and judgement. Choosing to reveal a history of incarceration – our "invisible stripes" (LeBel, 2012) – can damage an attorney's reputation among colleagues, opposing counsel, and members of the judiciary. Thus, the decision to become a wounded healer or a professional ex- is a salient one with which most formerly incarcerated attorneys struggle. As Goffman (1963) noted, while one with a history of criminal conviction is 'discreditable', one who reveals that history is often 'discredited' (see also Hogan, 2020).

Eglash (1957) also suggests that strengths work must be guided. As he notes, "Only a skillful guide can encourage a man to go a second mile. I

suspect that the best guide is a man who has himself gone through it" (ibid, p. 621). In making the decision to reveal a criminal history, many of us turn to the formerly incarcerated who have come before us, seeking out advice on whether and how to employ our incarceration experience in the practice of law. What has developed in the United States is an informal network of remarkable individuals that have transcended the horrors of incarceration, become attorneys, and now offer their advice to those struggling to achieve similar success (see Directly Impacted Lawyers and Legal Professionals, 2016). In this way, most formerly incarcerated attorneys perpetuate layered, helper-oriented practices that typically include pro bono efforts to assist other prospective formerly incarcerated attorneys.

Disclosing My Status

Throughout law school, I disclosed my convicted status to only my close friends and a handful of professors. My first public acknowledgment of my criminal history came in my first published work – a law review note. The feedback I got was somewhat predictable – some offered support and others reacted with condemnation. Because of my conviction history, I was denied opportunities for summer internships, asked to leave study groups, and was summarily told, by more than one hiring committee, that academia was not a place for me. Still, once I became an attorney, after careful consideration and at the urging of other formerly incarcerated attorneys, I voluntarily chose to share my past with clients. Ironically, while I am now 'discredited' among many of my professional peers, disclosure has given me a measure of credibility among those I serve. For this reason, I have never regretted revealing my incarceration history.

Strengths Activities and Esprit de Corps: Coming Together to Combat Stigma

The final element of Eglash's (1957) model suggests that strengths work is collective. He notes that "restitution is a creative act, and the way is open for group discussion" (ibid, p. 621). As Maruna and LeBel (2009, p. 71) explain, "[i]f Eglash's "second mile" (the helper orientation of the "wounded healer") is primarily an act of stigma management, as we have argued, then these forms of "reintegration advocacy" might be thought of as going a "third mile"". In their formulation of this 'third mile', scholars suggest that "for the formerly incarcerated who identify as having transformed their identity long

ago, the importance of group networks remains integral to maintaining efforts toward larger socio-political change" (Smith, 2018, p. 4).

In the past few years, the issue of inclusive legal education has gained considerable attention (Kennedy, 2019). In response, law schools have considered altering admission criteria and method of instruction (Escajada, 2019; Garth, 2020), while state bar officials have increasingly demonstrated at least a willingness to allow formerly incarcerated individuals into the profession (see In re Bar Application of Simmons, 2017). Nonetheless, reform on this front has been glacial. Law schools still ask about criminal history, despite the likelihood of application attrition, and state bar officials repeatedly muddy the moral character analysis (Rhode, 2018). In response, formerly incarcerated attorneys have begun to coalesce to form interest groups dedicated to public education, direct service, and policy analysis (e.g. CSIBA, 2020; see also Allen, 2021).

Organizing for Change

In my own career, I am proud to have been a part of the formation of one such organization. In 2018, the Stanford Criminal Justice Center hosted a first-of-its-kind event entitled, "Roundtable on Law School and Bar Admission for People with Criminal Records". The gathering brought together academics, practitioners, State Bar of California officials, and several formerly incarcerated individuals. From this event, the California System-Involved Bar Association (CSIBA) was born. In summer 2018, I co-founded CSIBA along with Frankie Guzman, a formerly incarcerated attorney (UCLA School of Law), a former Soros Fellow, and the Director of the Youth Justice Initiative at the National Center for Youth Law. In March 2020, we hosted 150 attendees at our 1st Annual Convening at the UCLA School of Law (87% of attendees were formerly incarcerated). Formalizing the helper community that has long operated in the shadows, CSIBA offers our population a sense of hope and a workable plan for success. And thus far, CSIBA has proven impactful, demonstrable through feedback from attendees at our 1st Annual Convening.

Data collected at our convening revealed that respondents found the gathering both inspirational and useful.[1] Nearly all respondents (97%) indicated that they believed the convening was very informative, while 87% reported that the convening covered issues relevant to participants' efforts to enter the legal profession. Qualitative data also revealed the need

for CSIBA and its mission. As one respondent stated, "this conference was specific to our situations, so much better than other resources". Similarly, another attendee noted, "the stories were inspiring and gave me a new perspective and hope for me and my kid's future as well as the future of those I hope to help".

The mission of CSIBA is to demystify the process of becoming an attorney. Along those lines, we offer hope and a plan to those who seek to enter the legal profession with an incarceration history. We strive to empower a new generation of formerly incarcerated attorneys who seek to give back to our population. In sum, as one respondent stated, "I really enjoyed hearing all of the testimonies (at the convening) because it gives me hope to continue pursuing my dream and hopefully one day I'll be able to advocate for the individuals who have been underrepresented".[2]

When I contemplated a career in law from my prison cell, I had no idea where to find information. Nor did anyone else. No one knew for sure whether a formerly incarcerated person could even become an attorney. Even law school admissions' personnel were taken aback when my people on the street made inquiries. Today, that has changed. There are many formerly incarcerated attorneys in the United States. And perhaps more importantly, there are now many sources of information for those of you who may be considering a career in law.[3]

CONCLUSION: A PITCH FOR THE LAW

My work assisting formerly incarcerated individuals has helped me cope with my own insecurities and self-esteem issues. By helping others reach their goal of becoming an attorney, I have come to feel less like an outsider. I am now recognized as a leading expert in my field of practice, a classification far from that of 'criminal' or 'convict'. Over the past 12 years, I have formally represented dozens of clients with an incarceration history – all are now practicing attorneys in California and in other jurisdictions across the country. Notably, none of my former clients have been subject to any disciplinary action since their admission to the profession.

My goal here is not to promote the practice of law for the law's sake, but surely though the profession is enriched by our inclusion. No, instead my goal is to endorse the law for what it can do for the formerly incarcerated. The

law can provide the formerly incarcerated an opportunity to draw on their empathy and knowledge in service of our population through individual and group efforts. What we receive in return is acknowledgement that we have transcended our 'criminal' status, given back, and organized to ensure that the formerly incarcerated attorneys who come next face but a fraction of the discrimination and prejudice many of us encountered early in our careers. In this vein, I hope you will consider a career in law – not for them, but for us.

ENDNOTES

1 61 of 150 attendees completed our exit survey (40% response rate).
2 All responses were anonymous. Data on file with author.
3 CSIBA has multiple resources on our website (www.csiba.org) and you can contact us at casysteminvolvedbar@gmail.com.

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ABOUT THE AUTHOR

James M. Binnall is an Associate Professor of Law, Criminology, and Criminal Justice at California State University, Long Beach, where he is also the Executive Director of Project Rebound. Dr. Binnall is a formerly incarcerated person who spent just over four years in prison. While incarcerated, he took his LSATs and was accepted to law school. Once released, Dr. Binnall earned his JD and LL.M., was admitted to the State Bar of California, and received his Ph.D. in Criminology, Law and Society from University of California, Irvine. A practicing attorney, he represents

law students in the State Bar of California's Moral Character and Fitness Determination process and is the Co-Founder/Co-Executive Director of the California System-Involved Bar Association, a bar association comprised entirely of formerly incarcerated and system-involved law students and lawyers. His research explores the civic marginalization of those with criminal convictions and access to the legal profession for those with prior carceral involvement.