



# An Introduction to Re-Entry

## A *Pro Bono* Practitioner's Guide

by Victor A. Afanador and Jason S. Kanterman

**W**hile the concept of prisoner re-entry is not necessarily novel, attorneys who have not had the opportunity to work with re-entry programs may lack a thorough understanding of the vast needs of the re-entry population; therefore, they may be unnecessarily hesitant about getting involved in what, the authors believe, is a charitable and rewarding experience. Whether one is a criminal attorney, family practitioner, administrative specialist, or civil litigator, re-entry participants have a need for those

skills; take, for example, this hypothetical (yet very realistic) re-entry participant.

### **Antonio's Tale**

After spending seven years in a federal prison in Mississippi, far away from home, for a drug-related conspiracy charge, Antonio Sans walks into the federal courthouse where he was sentenced, before a federal court judge sitting in the same seat as the judge who locked him up. This time, he takes a seat behind the bar, beside seven other ex-convicts who shared similar paths. When his name is called, he steps forward and

takes a seat at the counsel table before the judge, who welcomes him to the program. She has a firm tone, but also seems genuinely concerned for his success in the program. Also seated in the courtroom is a private attorney and representatives from the U.S. Attorney's Office, the federal Public Defender's Office, and the U.S. Probation Office, all of whom appear ready to help him. This is in stark contrast to his previous experiences in a courtroom, and he is confused. The judge starts asking him questions, not in the same manner as when he previously appeared as a defendant, but rather simply to gather some background information and learn more about him. He is hesitant to share, skeptical of the process, but he decides to give it a shot.

At just 26 years of age, he had been plucked out of the streets of Newark and prosecuted in the federal system. He understood how the state criminal system operated because of a few minor convictions in his past, but he was lost in this new system. While he certainly knew there were risks associated with his drug activity, he never imagined he would be caught up in such a big ordeal. He knew plenty of people who played in the drug game; in fact, he picked it all up from his older brother, the only male figure in his childhood home. Growing up, he never knew his father. His mother raised him along with his other siblings in an overcrowded house in one of the worst parts of the city. His mom worked constantly to support the family, so he did not see her often, and when she wasn't working, she was out getting high, as she, like many others, struggled with a debilitating drug addiction. So from an early age, Antonio was left largely without proper support and guidance.

Watching his older brother come home with wads of cash after a day on the streets made him jealous, so he decided it was time, at the age of 17, to get involved in the drug game. He

dropped out of school, hit the streets, and never looked back. He was living the street life, and it was paying off. Girls came and went. Along the way, a few got pregnant, and Antonio became a father of two children, each with a different woman. Yes, there were child support obligations, but no one ever came for the money, so he never paid. There were also a bunch of minor drug possession arrests, but the court notices came and went, and he never appeared. They were not locking him up, so he just went on with life as usual, until one afternoon, as the result of a controlled buy, it all changed.

The court notes that Antonio's story is strikingly similar to the rest of the participants sitting in the courtroom, and assures him that with proper effort and guidance he can leave this part of his life behind. The court inquires further, and Antonio shares that he does not have a driver's license, never had a credit card or bank account, has no cellphone, and has no permanent address. He is currently living with his aunt and her husband, but he has to find his own place within two months. He got lucky enough—based upon his commitment to programming while in prison—to be offered the ability to participate in the re-entry program, which would reduce his five-year probationary period if he successfully completed it. Based upon his interactions with the court, he commits to participation.

The program he is now in is called ReNew, a federal re-entry program sponsored by the United States District Court for the District of New Jersey, currently operating in Camden and Newark. In exchange for a heightened level of supervision and commitment, the program will reduce the successful participants' probationary period by one year; the ultimate goal of the program being successful reintegration into society and a guided ease back into life as a civilian. The United States District Court, howev-

er, cannot accomplish these goals alone, so they have sought the help of lawyer volunteers to assist participants with legal issues that fall outside of the roles of the ReNew court and the prosecutors and public defenders involved.

So, what type of work are these volunteer lawyers needed to do? Antonio's situation can serve as an example:

First, Antonio requires a trustworthy figure. All of his prior experiences with the justice system have been relatively negative. By explaining to Antonio, with the court's help, that the volunteer lawyer is there to help him attain his post-prison goals, his trust can be garnered in the program, the system, and society.

Having established a trusting relationship, the legal tasks become a priority. Some tasks may seem obvious, having read Antonio's story. Obviously, he needs help clearing up the outstanding warrants from his municipal court matters. This will likely require the attorney to gather a list of all outstanding matters, make contact with the court, and negotiate some form of resolution. The U.S. Probation Office can be extremely helpful in this endeavor, often able to provide a list of outstanding matters and, as the authors have found to be quite useful, a letter indicating that the client is actively engaged in re-entry programming, and is being voluntarily subjected to heightened supervision. Sometimes, practitioners will also find that payment plans entered into have lapsed and may need to be reestablished with the court. Some of the delinquency in payments stem from the very fact that the client was incarcerated and could not possibly have made certain payments, and courts are often happy to help participants get back on track.

Once the warrants are addressed, the attorney cannot simply move on to other tasks, because Antonio needs to acquire a driver's license. In fact, doing so will improve his ability to locate

steady employment. The first step, since he had so many outstanding municipal matters, is obtaining proof from the court that he has satisfied his outstanding obligations, and that the court is no longer preventing him from obtaining a license. Additionally, Antonio will need to contact the Division of Motor Vehicles and assess what types of surcharges and penalties have been levied against him. The amounts can be crippling to participants, especially those without steady employment. So, what are the options? If the numbers are reasonable, the attorney can work out a payment plan. If they are simply insurmountable, Antonio may consider filing for bankruptcy, as some of the assessments may be dischargeable.<sup>1</sup>

With all of the quasi-criminal matters back on track, and with a driver's license in hand, the attorney can turn to Antonio's family law needs. Antonio has two kids and significant outstanding support obligations. Attorneys will need to address the arrearages, but the tasks do not end there. He may also want greater involvement in his children's lives. Counsel can help create visitation plans. A family lawyer or a lawyer with family law colleagues can help guide Antonio through these processes.

Next, there may be a need to help Antonio enroll in educational programs or battle the regulations of a particular school or financier, which would not traditionally accept a felon. Antonio has advised the program he obtained his GED while incarcerated and has an affinity for math. Is there a way for him to enroll in an educational program that will allow him to further develop his gift? A volunteer lawyer can review the regulations and advise Antonio on how to apply for college courses. But with college comes financial obligations. Can Antonio apply for financial aid? What is his credit history like? These inquiries will require looking at the credit reporting agencies and advising him on how

to clear up negative reporting events. Antonio would also benefit from having a bank account; lawyers, often relying on general life experience, can lend a hand even in the simplest way.

Antonio must also begin building his credit, as credit will be vital to obtaining an apartment, car, cellphone, and other necessities. These issues require the patience to help advise Antonio. Along the way, counsel may also help him review loan documents, rental agreements, and other contractual documents. Counsel may learn that some employers and landlords may be requiring information they are not entitled to; lawyers can help guide participants through those situations.

Without the help of counsel, Antonio may think tasks associated with reintegrating into society are insurmountable, but his volunteer lawyer will be able to show him there are obstacles that can be lifted with a bit of effort and ingenuity. For example, at the recent Third Circuit Summit on Re-Entry Programs, the authors learned of a small bank that is servicing loans for members of re-entry programs in an effort to provide them with more financial flexibility. The program is in its infancy, but it can serve as an example of the types of services available to program members. Similarly, organizations are willing to provide mentorship services, free professional attire, and resume workshops; a knowledgeable and committed attorney can share simple business insight with participants, further assisting in a smooth transition back into society.

Antonio's journey is just one example of the typical participant's struggle reintegrating back into society. The challenges presented in Antonio's case study appear often but are in no way an exclusive list of the obstacles facing individuals attempting to reintegrate after prison terms. The help of volunteers, in support of the government entities working to ensure the program's success, will fur-

ther help participants escape the cycle of recidivism. One extended hand, one chuckle, or just one legal act of lifting an old warrant, making a call to negotiate a payment plan, or helping to create a connection for a participant, can change the course of re-entry into society.

As President George W. Bush stated in his 2004 State of the Union Address, "[w]e know from long experience that if [reentrants] can't find work, or a home, or help, they are much more likely to commit more crimes and return to prison...America is the land of the second chance, and when the gates of the prison open, the path ahead should lead to a better life."<sup>2</sup> ◊

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## ENDNOTES

1. See [http://www.state.nj.us/mvc/Violations/Surcharges\\_faq.htm](http://www.state.nj.us/mvc/Violations/Surcharges_faq.htm).
2. George W. Bush, U.S. President, State of the Union Address before the U.S. Congress (Jan. 20, 2004) (transcript available at <https://georgewbush-whitehouse.archives.gov/news/releases/2004/01/20040120-7.html>).