

Inside this Issue:

Barriers to Employment:

Expungement of Criminal Records	1
Mental Health	2
Bulletin Board	3
Office Directory	4

Our Name Has Changed!
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Barriers to Employment:

Expungement of Criminal Records

By Brenda Zimmerman, Esq.

MidPenn Legal Services, Lewistown, PA

Individuals with criminal records often face difficulty finding or keeping a job because of their record. In order to fully participate in society those with criminal records needs to be employed so they can support themselves and their families. Employment is a key element to successful rehabilitation. Some criminal records can be cleared up through expungements or pardons.

Expungements

If the criminal record includes a charge for which Accelerated Rehabilitative Disposition (ARD) or another type of special disposition for minor first time offenses was offered, you may be able to file an expungement petition.

Expungement may also be available for arrests which did not lead to a conviction such as acquittals, withdrawals or dismissals of a criminal case. Juvenile adjudications may also be expunged. Misdemeanors or felonies can only be expunged in very limited circumstances, for example, if the ex-offender is over 70 years old or deceased.

Individuals with criminal records often face difficulty finding or keeping a job because of their record.

After obtaining a copy of the criminal record and a certified copy of the disposition, one may petition the court for expungement. A filing fee may be necessary and the petitioner may have to appear in court, unless incarcerated.

If the expungement is granted, the Clerk of Courts will remove the incident from the record. If the expungement is not granted, appeals may be available.

Pardons

If the criminal record includes a conviction, the ex-offender may apply for a pardon from the governor of Pennsylvania. Only a pardon from the governor will erase a conviction from a criminal record. A pardon is more likely to be granted when there is only one offense, the offense is minor, or if it occurred over five years ago. A pardon is not automatic under any circumstances.

Continued on Page 2

Continued From Page 1... Expungement of Criminal Records

The process for a pardon takes at least two years. To begin the process, one must request an application from the Board of Pardons.

After an application is submitted, the board will consider all of the facts and circumstances of your situation and may offer a brief public hearing to the applicant. The board then makes a recommendation to the governor, who ultimately decides whether to grant the pardon. While a pardon may take a long time, it is definitely worth the wait and effort for people who succeed.



Please contact a MidPenn Legal Services local office for more information or assistance regarding expungements and pardons.

Barriers to Employment: Mental Health

The Equal Employment Opportunity Commission has issued guidelines confirming that persons with mental illnesses are protected by the 1990 federal law, the Americans with Disabilities Act (ADA).

Mental illness can be anything from severe depression and schizophrenia to “adjustment disorders.” Your employer may have to “accommodate” your mental illness so that you can keep on working. The accommodation must be “reasonable.” It must not create an “undue hardship” on the employer. This means that what the employer must do for you cannot disrupt the work place and cannot be too costly to the business. Businesses with more than 15 employees must comply with the Americans with Disabilities Act.

An accommodation can be many things. Physical disability is often easy to recognize and it is relatively easy to determine what the accommodation should be. For example, a person in a wheelchair requires a ramp and perhaps a special desk. It is more difficult to determine what a reasonable accommodation should be if the worker’s disability is a mental illness.

An employee with “attention deficit disorder” may require a quiet work space. A person with an “anxiety disorder” may require a flexible work schedule so that they do not have to drive in heavy traffic if that is one of the situations that makes them anxious.

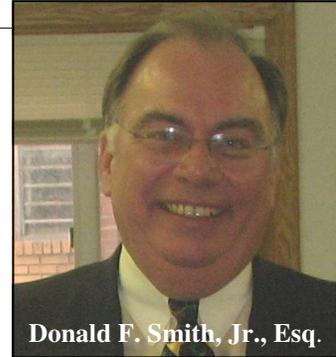
If you find yourself in need of a modification to your work environment due to mental illness, it is important to make your employer aware of your situation. Work with them to try to find a reasonable accommodation to your mental health problem.



Bulletin Board

Excellence Award Winners

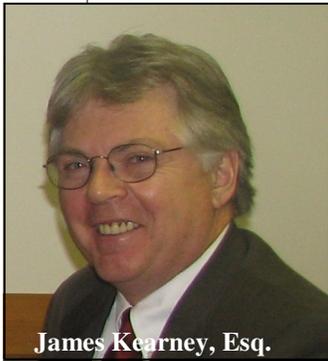
MidPenn Legal Services is proud to announce that MidPenn Board member Donald F. Smith, Jr., Esq. of Berks County and MidPenn Director of Development James Kearney, Esq. will be the recipients of Pennsylvania Legal Aid Network's Excellence Award.



Donald F. Smith, Jr., Esq.

The Excellence Awards celebrate the achievements of those who advocate on behalf of those in need of civil legal assistance in

Pennsylvania. Don is the chair of MidPenn's Board of Directors Development Committee. Together with other committee members, Don and Jim have moved to connect MidPenn with bar associations, United Ways and other community partners.



James Kearney, Esq.

Attorneys Smith and Kearney will receive their awards at the annual banquet on March 20, 2007 at the Harrisburg Hilton in Harrisburg, PA.

MidPenn Receives Human Services Grant

MidPenn was awarded a Centre County Council for Human Services grant. Funding from the grant is to began predatory lending advocacy in Centre County.

For this project MidPenn is partnering with the Centre County Office of Aging and Mount Nittany Residences. MidPenn will be conducting seven one hour predatory lending seminars at senior centers in Centre County and at the Mount Nittany Residences in State College.

The purpose of these seminars is to give senior citizens a basic understanding of the methods used by predatory lenders and how to avoid losing their home.

Peacekeeper Award

Long time Lancaster MidPenn attorney Michael Goldberg was recognized by the Lancaster Mediation Center in celebrating their 25th anniversary.

Attorney Goldberg was cited as a community problem solver, one who has benefited their community by seeking peaceful resolutions to issues. A dinner and exhibit honoring the awardees will take place from 6:00-9:00 p.m. on March 31 at Millersville University.

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**Centre County
United Way**



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MidPenn Legal Services is a private, 501(c)(3) corporation providing legal services to low-income people living in Adams, Bedford, Berks, Blair, Centre, Clearfield, Cumberland, Dauphin, Fulton, Franklin, Huntingdon, Juniata, Lancaster, Lebanon, Mifflin, Perry, Schuylkill and York Counties.



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