Abstract: The Reentry Clinic at William Mitchell
University of Baltimore Feminist Legal Theory Conference, March 2010

In Minnesota, women reentering their community after being in state prison, in particular minority women, experience extreme marginalization by their communities and perceive themselves as being a marginalized group. Women have different needs than men when they reenter society. Most women in prison are mothers and have been the primary caregivers to their children prior to going to prison. Many women in prison have suffered major trauma and physical or sexual abuse. More women in prison than men have serious chemical dependency issues and suffer from mental illness. The Reentry Clinic at William Mitchell uses a holistic gender responsive approach to help women leaving prison with legal and social barriers to reentry. The clinic integrates several aspects of feminist legal theory, critical race theory and gender responsive clinic theory to help and support its students and clients.

Feminist legal theory and critical race theory were developed to address the fundamental problems of racism and sexism that lead women, in particular minority women, to be excluded from social networks and legal protections – resulting in their marginalization. Both the “equity” and “differences” theories of feminist jurisprudence help students in a law clinic best serve their clients. Recognizing the differences women have from men when they enter prison and try to reintegrate, and providing support around these differences is essential to women’s success in their community. At the same time, providing a model of equality through advocacy in the legal system, primarily through family law proceedings to reunify women with their children, makes women feel empowered because they are receiving equal and just treatment from the courts when many of them feel they have not before. Being intentional about addressing racism in every interaction with students and clients and debunking the notion of an “everywoman” helps clients feel that their individual experience is understood and accepted.

Historically, accounting for gender in the criminal justice was overlooked or deemed unimportant or invalid because men in the system significantly outnumbered women. Up until the 1980’s women in the criminal justice were practically “invisible” and their needs ignored. The dramatic increase of women entering the criminal justice system between 1990 and 1998 forced the criminal justice system to begin to pay attention to women offenders and attempt to address their needs. Even with this significant increase in numbers, which commanded a systems response to female offenders, many criminal justice professionals argued that “different” treatment results in “unequal” treatment, as a means to deter efforts for gender responsive programming.

Because of these trends, feminist criminologists began to research the unique pathways of women into the criminal justice. They found that there were significant differences between men and women’s offending patterns. What became evident was that these gender differences required different treatment approaches. In addition, during the late 80’s and early 90’s, the trend towards “evidence practices” began to emerge and suggest that in order to produce effective outcomes it is critical to pay attention to the “unique social reality” of the offending population, including gender. These two forces
contributed to the increased credibility and acceptance of gender responsive assessments and programming.

Using a blended approach of feminist theories, critical race analysis, and gender based clinical case management provides an effective model to help this group of women successfully achieve reintegration into the community. Successful reintegration helps women and their communities overcome the experience and perception of marginalization.