The Peter L. **Zimroth Center** on the Administration of Criminal Law
NYU SCHOOL OF LAW

Conviction Integrity Work: Missing Voices

Squeezed from Both Sides: Realities Facing Conviction Integrity Units

Many prosecutors' offices now have initiatives—often called Conviction Integrity Units (CIUs)—to review potentially unjust convictions and sentences. Both the units, and the work they do, have grown exponentially over the past 15 years. Yet despite broad public support for this work, it has come under significant attack, especially in the last eight years.

These attacks are coming not from the communities these units serve, but from institutional players: old-guard prosecutors, judges, state attorneys general, and politicians who are often not elected by the affected communities. And those attacks are being levied in courtrooms and legislatures where the resulting impact is profound.

Meanwhile, the work of CIUs is also being criticized by criminal justice reform advocates and anti-establishment commentators who claim it's either empty PR or doesn't go far enough to address the injustices they want fixed. But unlike the attacks from institutional players, most criticism from the advocacy community has been theoretical—often detached from the reality of the politics of a prosecutor's role in post-conviction litigation.

A note on this series' title: In calling these conversations 'Missing Voices,' we do not mean to suggest prosecutors have been silenced or excluded, or that theirs are the only voices that should be heard on this work. This series is our effort, as former prosecutors, to add what we can to the conversation.

I'm Courtney Oliva, a former state and federal prosecutor who now runs the Peter L. Zimroth Center at NYU School of Law. I'm moderating a series of conversations with Emily Maw and Patricia Cummings. Both have established and run conviction review efforts in locally elected prosecutors' offices, and both came to that work after long careers that gave them experience across different parts of the criminal justice system.

Emily and Patricia's experiences before and during their time leading CIUs differ in important ways, but they've been surprised by how similar their experiences turned out to be—and by the lessons they learned. Since leaving their respective roles, both have become ever more convinced that this work needs much more support and much more sophisticated treatment than it is currently getting. This series of conversations is their effort to do just that.

What follows is the first in our series of conversations.[1]

1. This conversation has been edited for clarity and length. We have chosen not to format our conversation as an academic paper. Hyperlinks to references or explanatory news pieces are included when necessary and/or helpful.

CIUs–From Basics to Background

Courtney: As of January 2026, the National Registry of Exonerations reports that we have 114 CIUs in prosecutors' offices throughout the country. Before we jump into why this discussion about them is so important, can you describe what CIUs do and why they exist?

Patricia: A short and simple description of what CIUs do is they work to prevent, identify, and remedy wrongful convictions. Of course, depending on the jurisdiction they work in, the day-to-day operations of what that looks like varies greatly.

The second part of your question—"Why CIUs exist"—is critical to understanding the challenges, political pressures and attacks being leveled at these units today. And actually, the origin story of CIUs is pretty fascinating in what it tells us about our criminal legal system.

CIUs were formed in different prosecutor's offices around the country largely in response to various demands. By the 2000s, the phenomenon of post-conviction DNA testing, and the people proven innocent by it, shook a lot of people's confidence in the justice system; people saw high profile DNA exonerations in the news and worried the system wasn't accurate. Communities wanted prosecutors to not only care about identifying innocent people in prison but also help do something to correct the injustice. But the network of "innocence" organizations advocating on behalf of clients claiming wrongful conviction had largely experienced mind-boggling obstinance from prosecutors' offices. In post-conviction cases where DNA evidence could prove or disprove someone's innocence, prosecutors often fought testing requests at every turn.

Emily: The role of a prosecutor had traditionally not encompassed conceding mistakes, so many stood in the way of efforts to find or test DNA evidence that could prove a prisoner's innocence. But with the growing sense that the system could be tragically inaccurate, many prosecutors saw that their office's credibility was on the line and that they needed to shift from fighting all requests for testing (and contesting obvious exculpatory results) to taking responsibility for finding the evidence that could be tested and helping people who could be exonerated by it. That is how CIU work began; prosecutors responding to a crisis of confidence. Though I should also say that many embraced this because they care sincerely not to see an innocent person imprisoned. It is also that simple.

And Patricia is right, what each separate unit or division does to achieve the goals of the work, and frankly how they do it, depends a lot on a variety of factors—far too many to discuss at this point in our conversation. However, we should mention upfront that several CIUs (including Patricia's former unit in Philly and my former unit, the Orleans Parish Civil Rights Division) also address law enforcement accountability. Many CIUs include review and/or disclosure of police misconduct—sometimes including use of force cases or officers who repeatedly violate rights. Including this work under the umbrella of conviction integrity review was a response to overwhelming public demand for it, especially after 2020.

Courtney: When you talk about "law enforcement accountability," this seems qualitatively different from the DNA cases that CIUs first handled—are you talking about CIUs handling individual or collective/widespread misconduct by police officers, or both?

Emily: Both, and actually they are related. Widespread witnessing of wrongful convictions and law enforcement misconduct has profoundly shaken people's confidence in the criminal justice system. You see, there is a public perception that crimes committed by law enforcement don't get the same rigorous treatment as other crimes. Many people believe that if you want to improve community trust, you can't just address wrongful convictions, you must also show there aren't double standards for police. CIUs are well-positioned to do this—there's overlap with wrongful conviction work, but also most CIUs report directly to the elected DA and aren't involved in day-to-day trial or appellate work. So, they have some independence from the close relationships with police officers that many others in a prosecutor's office necessarily have. And the jobs of addressing wrongful convictions and law enforcement overreach are both aimed at building trust in a system that has become deeply distrusted.

Patricia: That's exactly right. It's critical to explain why it matters when police do something wrong and why prosecutors need to call it out. But that work also makes you vulnerable. When you're seen as "going after" police, critics use that as another angle of attack. Which is quite frankly ironic. Transparency and accountability for police misconduct are good things. The public wants them both. Yet, if a CIU prioritizes and/or achieves them, the CIU is targeted for that success.

Courtney: Emily, for readers that don't know, the unit you led, the Orleans Parish Civil Rights Division, was deliberately not called a CIU-can you tie this together with the discussion we've been having?

Emily: Yes. Our name reflected that community distrust in criminal justice went beyond the experience of wrongful convictions and extended to law enforcement; the New Orleans police department for years had a terrible history of misconduct. For generations, people believed that if police hurt someone, the case would go to the DA and disappear—prosecutors covered for police no matter what. I should be clear about two things; first, that, the New Orleans Police Department has just come out of a consent decree that lasted over ten years that saw it make enormous progress to be what many consider a model 21st century police department focused on constitutional, community policing. By the time I headed CRD, it was not the same department that caused generations of New Orleanians to grow up distrusting it. And that is why, secondly, when our CRD reviewed those cases, we regularly reached exactly the same conclusion about the conduct that a prior office likely would have reached: years of police reforms before our division was established had so improved standards that we did not find a supportable criminal case against an officer for use of force. But CRD's work was, and is, important because it is transparent. If people understand the rationale, it builds trust. That work goes hand in hand with reviewing wrongful convictions. But as Patricia mentioned earlier, the work also makes you a target.

Patricia: To bring it into the present, if the recent conduct of the ICE agents in Minneapolis who killed two protestors had occurred in a jurisdiction with what Emily and I consider a model CIU, that unit would be reviewing those killings of protestors by law enforcement to see if criminal charges were warranted. This is because a model CIU is designed to be the most independent and to earn community trust by demonstrating that their decisions won't be biased in favor of law enforcement.

The Changing Nature of CIU Work—and the Vulnerability It Created

Courtney: I'd like to change topics to talk about the political and media landscape within which CIUs operate, and how this landscape has affected the work of CIUs. Patricia, let's start with what you've seen since you began working on wrongful convictions.

Patricia: In 2011, Michael Morton, a longtime Texas client of mine, was exonerated of the murder of his wife after DNA evidence not only proved his innocence but implicated another suspect. The case was a public sensation not only because of the DNA evidence but also because of what the courts and the community saw as egregious government misconduct committed at almost every stage of the prosecution.

In 2013, when Mr. Morton and I worked with the Texas legislature to pass criminal discovery reform, he would often tell legislators, "If it could happen to me, it could happen to you." The legislators, and even the Governor, got the message (and undoubtedly passed significant discovery reform as a result).

Meanwhile, Dallas, Texas was leading the nation with the highest number of DNA exonerations—most of which occurred because of the work done by its CIU, which was created by Craig Watkins, the Democratic District Attorney who was elected in 2006. So, when I was hired in 2015 by Susan Hawk (a Republican who defeated Watkins in 2013) to lead the Dallas DA's Office CIU, wrongful conviction work wasn't really a partisan issue in Texas. Republicans and Democrats generally supported it. Really, the only political pushback I felt was internal to the DA's Office—from old-guard prosecutors who were resistant to prosecutors doing CIU work.

Courtney: What you're describing is remarkable for many reasons—one obvious reason is that this was only 10 years ago. What has changed over these 10 years?

Patricia: Quite a bit has changed. Although Mr. Morton's case was not a CIU case, it was a DNA case that was resolved during the peak of the DNA exoneration era. I just mentioned that in 2015, Dallas led the nation in DNA exonerations. But I did not give the numbers. Remarkably, between 2007 and 2015, Dallas alone had approximately 25 DNA exonerations.

Emily: It is important for people to understand that while Mr. Morton's case and the early CIU cases involved DNA, those cases led to a growing realization that there were a lot of cases involving other serious errors that did not have suitable biological evidence to test. So, unlike most of the early Dallas DNA exonerations, most people in prison didn't (and don't) have DNA evidence in their case to prove their innocence. As such, people with claims of innocence largely had to (and have to) rely on proving constitutional violations in order to challenge their convictions.

For example, a significant number of incarcerated individuals were making (and continue to make) post-conviction *Brady* claims that the State withheld favorable evidence from the defense before trial or a police officer lied during his testimony. As a result, CIUs found themselves shifting their investigations from DNA cases to wrongful conviction claims that did not have DNA evidence and trying to shed a light on whether the convicted person was actually innocent.

Patricia: This shift in cases is important, because while *Brady* violations can, and do, cause the conviction of the innocent, they also cause guilty people to have unfair trials and cause people to get convicted of more serious crimes than they committed. And these cases are less clear-cut than the DNA cases, because they aren't only about innocent people going to prison for crimes they did not commit. These cases present more of a gray area, and quite frankly, they're less compelling stories for a public (and the media) that's been conditioned to want a clear narrative. This gray area of cases that CIUs are now investigating also means that it is much easier for opponents of the CIU, and opponents of the elected prosecutor, to use these cases to coordinate and launch attacks on the office. In other words, the very expansion that made this work more constitutionally meaningful is what made it politically dangerous.

Emily: Which is ironic, because it's actually more in keeping with a prosecutor's role to address improper state practices—like *Brady* violations—than to focus only on cases where someone is provably innocent but where the State gave them a fair trial. Addressing past wrongs from state misconduct fits squarely within what prosecutors should do. After all, federal courts have been saying for years that the Constitution doesn't necessarily protect the innocent person who gets convicted, but it does protect people who weren't given a fair process. And yet CIUs that are now trying to tackle this very kind of injustice are apparently far more vulnerable to attack, especially in our current political climate.

The Attacks: From All Sides

Courtney: This seems like a good time to talk about the attacks that CIUs face. Can you both detail what these attacks look like, who's behind them, and how they threaten prosecutors who want to meaningfully engage in the work of examining and correcting wrongful convictions?

Patricia: One thing I have noticed from my time in Dallas and Philadelphia is that the critics have changed. The "old guard" prosecutors I mentioned previously, well, their voices are not just internal or isolated grumblings anymore. Now, there are elected officials publicly criticizing the CIU, as well as members of the judiciary, academics and media outlets. And in this current political climate, prosecutors who oversee and engage in CIU work have become high value political targets, and anyone with political ambition is encouraged to attack them and rewarded when they do. Put another way, the political incentives have inverted: the more conscientiously you do the work, the bigger the target on your back.

Emily: These attacks are coming in several forms. State attorneys general are trying to intervene in CIU-handled cases, claiming to represent the "true interests" of the state or victims. They're attempting oversight or supervision of local offices with CIUs, even when there's no precedent for that in the state. We've seen efforts to strip locally elected DAs of jurisdiction over certain post-conviction cases. There has been coordinated judicial resistance to case concessions or factual stipulations by CIUs. And in several states, legislators are criticizing and questioning the work of CIUs in unprecedented ways—sometimes the CIU specifically, sometimes the whole office.

Patricia: And I think what is significant is that, unlike those "old guard" prosecutors whose attacks were grounded in traditional ideas of prosecution, the message from these "newer" political opponents isn't that the work is not traditional prosecutorial work, or that it is unnecessary and shouldn't be done. For the most part, they won't come out and say that these errors shouldn't be corrected. Instead, they've couched their arguments as being rooted in mistrust, or in nefarious intentions. These legal and political attacks imply that"you can't trust the CIU's conclusions because the process they use is flawed," i.e., because CIU prosecutors are working alongside, and cooperating with, defense counsel, and are not functioning in "traditional" adversarial roles, they are really "defense attorneys in disguise" working to free criminals, and their conclusions cannot and

should not be trusted. Another implication of this argument is that we are both incompetent and nefarious, because we are essentially trying to give the keys to the inmates, at the expense of the original crime victims, and the larger public. It's a clever argument because it doesn't require defending the original convictions on the merits. It just requires casting suspicion on the people willing to reexamine them.

Emily: Those grumblings from institutional players were always there, but now they are finding a stable foothold in the political discourse. At some point, there was overwhelming public support for the idea that offices should correct their own mistakes if they wanted to be different from the offices that presided over the incarceration bubble. It became common sense. But CIU work is quickly going from "basic requirement for reform" to "this is radical, the people doing it don't know what they're doing and are untrustworthy, we should shut it down." It's more than throwing out the baby with the bathwater—it's using grumbles to delegitimize the entire effort.

Courtney: I want to drill down on this idea of "trust." Specifically, the suggestion that a CIU is untrustworthy, both because the people doing the work are untrustworthy, and because the legal process they rely on is flawed, and therefore the public should be skeptical about freeing people from prison, because there is something dishonest about these outcomes. How do you respond to this line of attack?

Emily: I think it's important to note that both Patricia and I have been on the receiving end of these attacks, personally and professionally. We have received direct and indirect accusations that somehow, we are not trustworthy, our work is not trustworthy, and our units are not trustworthy or legitimate. That is one of the reasons that we have both emerged from our positions with a commitment to trying to help others still engaged in this work; because these attacks are wrong, they are cynical and disingenuous, and they are usually ignorant of the facts, but they take a significant toll on the people on the receiving end, cause real damage, and hinder the work.

To be specific in response: there is nothing disingenuous about using the law—where appropriate and the law allows—to alleviate past inaccuracies, unjust processes and outcomes, double standards and inhumane treatment. If those things are done soberly, openly, and with an eye to improving public safety. What is dishonest about that? Is it imperfect? Yes. Is every criminal justice outcome imperfect? Yes.

Patricia: If we go back to the reason that elected officials promised to establish CIUs, it was a response to overwhelming demand from those who voted for them that things be done differently. So, it's important for us to stay the course, set aside the personal toll, support CIUs, and figure out how to continue the work that people want done.

Emily: These attacks are especially troubling because they don't even pretend to actually offer, or even suggest, alternative solutions for how CIUs can and should do the work. So, for example, where some of these attacks have stuck and we have then seen legislatures or courts, in response, target the power of CIUs by reducing the power of prosecutors to make stipulations, we don't know if it will be legally possible to get the work done in the future. And yet, to reiterate a point we touched on earlier, we don't see any of the literature or study of CIUs addressing this existential crisis. Instead, we see academics publishing papers suggesting that CIUs aren't doing enough, or advocates suggesting the kinds of cases CIUs should be taking, or organizations trying to train CIUs to spot innocence cases. The problem isn't "can you spot an innocence case," the problem is whether CIUs are left with any legal authority to do anything about an innocence case it finds.

Courtney: Up to now, we have not really included real-world examples of these attacks. Do you have specific cases in mind that might drive home for our readers how real this crisis is?

Patricia: Look at what's happening right now in Pennsylvania with cases like Lavar Brown. In that case, the Pennsylvania AG is challenging the Philadelphia District Attorney's office's factual and legal conclusions, arguing that their findings can't be trusted because the office made certain concessions and agreed to certain factual stipulations with the defense, and that the investigations underlying those concessions were insufficiently rigorous. In other words, the AG is urging the Pennsylvania Supreme Court not to accept the investigation undertaken by the office, or any of the legal conclusions based on this investigation, because they chose to proceed in concert with the defense and did not take a traditional, adversarial approach. Ironically, the case was handled by both the CIU and the Law Division—the long-established division that handles appeals, amongst other things, for the Philadelphia DAO—working together, but that's a distinction that is lost on the public. But going back to the AG's attack—it's not just an attack on the legitimacy of the CIU's investigation and concessions in Lavar Brown's case, it is a broader attack on how the CIU works. And, if that argument succeeds, it's not just about one case—it's an existential threat to how CIU work happens everywhere.

You're basically saying that any relief granted through collaboration, rather than the traditional notions of "adversarial litigation," is suspect and should not be accepted by the judiciary.

Emily: In response to the work of the Orleans Civil Rights Division, the Louisiana AG waged an overblown campaign in 2024 to change state law to basically remove the discretion that prosecutors had always enjoyed to make concessions in post-conviction proceedings. It was successful of course (with a Republican governor, attorney general, and legislative supermajority, Louisiana's political climate around criminal justice reform meant the bill's merits were never really the issue). Scoring political points in the war on "woke" thus removed the discretion of all prosecutors around the state to accomplish more just outcomes. There's an expression about cutting off your nose to spite your face that seems apt here.

What's ironic about these types of attacks on CIU work is that prosecutors have *always*, always had the power and discretion, albeit limited, to decide whether to settle or agree to certain resolutions of cases at every stage of a criminal proceeding. But this power and discretion is only now being attacked when certain prosecutors use it in certain ways. For example, in New Orleans, the prior DA would frequently enter into post-conviction agreements to set defendants free from prison with very little reason given. Then our CRD came along and decided to be more open, to have criteria for case review, and to enter into post-conviction agreements with the rationale on the record where the law and the facts supported it, and that was what inspired a backlash: transparency and criteria replacing favors for friends.

Courtney: The examples you've just described—Lavar Brown in Pennsylvania, the Louisiana legislature stripping prosecutorial discretion—are coming from one direction: institutional and political players who want to roll back this work or delegitimize it. But at the start of and throughout our conversation, you've both referred to pressure coming from all sides. Can you talk about that?

Patricia: One of the many realities facing CIUs is that they are being squeezed from both sides. So, we should be clear that the legal and political attacks on CIUs are not just coming from one side— there are commentators and advocates who believe that CIUs are failures because they have not done enough to live up to their promise. Articles have abounded recently that have criticized CIUs for not joining in every single exoneration in their jurisdictions or for not launching investigations into or filing complaints themselves against prosecutors whose cases have been investigated by the CIU. These articles reflect the attitude of a lot of the organizations (such as innocence organizations) that interact with CIUs around the country. Sometimes, these critiques are not even really about the CIU–they are actually arguments about the fundamental flaws of the criminal justice system. So, while these complaints are quite ill-informed or naïve, they nonetheless make it much harder for CIUs to accomplish constructive outcomes in many of the cases they take on.

At bottom, CIUs are trapped in the middle of attacks from right-wing political reactionaries and the consequences of unrealistic and counterproductive criminal justice reform advocates. Our conversations are geared to how CIUs can still try to do constructive work while being squeezed from both sides.

What's at Stake

Courtney: I'm hearing you loud and clear that attacks from both ends of the political spectrum have and will continue to impact how the CIUs operate. However, what I haven't heard is how that translates into the "existential threat" you both raised at the start of our conversation. Can you help me bridge that gap? And can you spell out precisely what is at stake?

Patricia: Most of the prosecutors who have established CIUs were elected in their jurisdictions in part because they promised a very different approach to examining past cases of claimed injustice. Those promises came in response to clear, organized demands for the justice system to be fairer, from the communities that have disproportionately experienced its injustices. That was certainly true of Larry Krasner in Philadelphia. He was elected precisely because he promised to do things differently.

Emily: Exactly. In New Orleans, we had the highest per capita rate of incarceration and highest per capita rate of proven wrongful convictions in the nation. So, when my friend Jason Williams ran for Orleans Parish DA in 2020, there was a groundswell of support for a district attorney in New Orleans who was going to address the city's incarceration crisis and wrongful conviction epidemic—a break from past practices and policies of that office. Establishing a CIU was almost taken for granted as an election pledge by all the candidates, but the difference in Jason Williams' candidacy (and one of the reasons he won) was the breadth of the work that he committed that his "back look unit" would undertake. Yet the legitimate democratic

mandate was meaningless to those who saw political advantage in attacking it. They exhibit an extraordinarily selective faith in where democratic mandates matter.

Patricia: We've both seen first-hand the political mileage that can be gained by elected and other officials attacking CIUs (and the prosecutors running these offices). It is important to understand that these attacks are coming from a somewhat anti-democratic place. They're largely being leveled by entities not elected in the jurisdiction they're attacking—state AGs attacking locally elected DAs, for instance. This is especially obvious in "red" states with "blue" cities, but it happens everywhere.

This is a political strategy that is having real downstream effects that are 100% intentional; it is making it very hard for these units to operate. These attacks fuel internal pushback in DA offices in a way that feels quite unprecedented. They also fuel resistance from outside; elected judges and other city officials who are also subject to the same political pressures and re-election concerns, are hoping to protect their own political careers, or even bolster them, by resisting CIU efforts. And we have seen this notwithstanding that there is strong legal and substantive justification for the cases most of the CIUs are involved in. Some of these judges also appear to view non-adversarial proceedings with inherent suspicion, as if collaborative resolution of a post-conviction case is somehow less legitimate than a contested one.

Emily: And on the other "side" of the political spectrum, there is an astonishing lack of insight from advocates as to how their behavior is fueling these attacks. I hate to "go there" this early in our series of conversations, but the civil suits (1983 civil rights actions) are a big part of this in New Orleans when I ran CRD. Our division resolved many cases in which our review revealed enough to concede a *Brady* violation by the State. We didn't fight the defendant for years as prior administrations would have; we conceded after our own internal review. However, in many of these cases we didn't concede that the person bringing the claim was innocent—instead, we conceded a serious constitutional error. Or we made a factual concession that evidence was withheld, and it was favorable but left it up to the judge to determine whether that evidence was material.

Courtney: And what has been the response to those concessions?

Emily: Lawyers have taken up these cases—most of which would almost certainly still be in litigation and the defendants still in prison if the DA's office hadn't chosen to address them constructively—and filed civil suits demanding millions of dollars for civil rights violations. That leaves the office, and the city officials who support the work, in an untenable position, believing they must fight against these judgments or risk the city going bankrupt. These lawyers are feeding right into the hands of critics who say that CIU work must stop because it creates too much financial liability, or, worse, critics who believe that the work is being done by a bunch of closet abolitionists secretly trying to bankrupt the entire system. The plaintiffs' lawyers' quest for financial gain—and reputational grandiosity—is making it infinitely harder for anyone else to request CIU review, which is, of course, a discretionary vehicle anyway.

Patricia: Lost in all of this is what a CIU actually is—and what it is not. A CIU is not a rubber stamp for defense claims. It is not, and should not be, simply an extension of innocence work. It does not exist to hold hands with defense counsel or to launch complaints against prosecutors at every turn. It occupies a distinct—and frankly quite lonely—institutional space: sometimes its conclusions will align with some of what defense advocates want, and sometimes they won't. Sometimes the evidence will support a finding of factual innocence; often it will support something less, and that has to be said clearly and defended. That is not a failure—that is the job done right. I have always said that a good CIU leader will necessarily have a relatively short shelf life, because if they are doing their job well, not many people will like them.

The bottom line is that pressure from both sides leaves the CIU in a difficult position, and the people doing this work facing real challenges that make it difficult to accomplish their stated goals, which the electorate wanted done. Prosecutors in these units are facing challenges to whether this work should exist at all.

Emily: And that brings us to why the three of us are here: very little of the resources and research and expertise offered to CIUs appears to have caught up with this reality. The literature still seems to be championing why CIUs are important, which seems a little like reissuing the memo about the importance of table-setting on the Titanic as it sank.

Patricia: Emily and I believe this work matters. We believe that the work of examining past outcomes does not and should not belong only to outside advocacy groups. As one of the criminal justice agencies that contributed to these outcomes, prosecutors should be at the forefront of examining them. We believe that community confidence in criminal justice systems cannot be won unless prosecutors are active participants in this work.

And if we don't have more sophisticated, honest conversations about what this work entails and the obstacles it's facing, we risk losing it entirely—not because communities don't want it, but because institutional forces that never fully embraced it are finding ways to attack it that are gaining traction and because an advocacy community that wanted this change has failed to adapt its demands to meet the political moment or the reality of government.

Courtney: So that's where we are. This conversation and the conversations that will follow are our attempt to address the reality facing CIU's head-on. In this series, we'll dig deeper: What does "exoneration" actually mean? How does this work affect crime survivors and families of deceased victims? Does it help or harm them or the process for them to be included or involved in the review process? What does real collaboration look like? Can this work survive the current political moment?

About the Authors

Emily Maw and **Patricia Cummings** began their legal careers in opposite places. Emily, a Scottish-trained lawyer who studied at the University of Edinburgh before earning her J.D. at Tulane, started out in complex post-conviction litigation, spending four years on capital cases across Louisiana, Mississippi, and Texas before joining the nascent Innocence Project New Orleans. Patricia, a Texas-trained lawyer who graduated from the University of Texas and the University of Houston Law Center, spent her early career in private practice trying everything a courtroom could throw at her—from misdemeanor public intoxication cases to capital murder trials in front of a jury.

Both eventually moved on to building and running institutions. Emily spent over 16 years at Innocence Project New Orleans, 13 of them as its director, representing innocent prisoners serving life sentences in Louisiana and Mississippi, where she also worked on policy and legislative reform and developed pioneering law enforcement training programs. She later worked for Chief Justice Bernette Johnson of the Louisiana Supreme Court before founding and leading the Civil Rights Division in the Orleans Parish District Attorney's Office from 2021 to 2024. Under her leadership, the Civil Rights Division helped remedy a significant number of wrongful convictions and extreme sentences, including many secured by the non-unanimous jury verdicts declared unconstitutional by the United States Supreme Court in *Ramos v. Louisiana*. Patricia served as Director of Policy and Litigation for the Innocence Project of Texas and as General Counsel for the Texas Criminal Defense Lawyers Association. She also helped secure landmark criminal discovery reform in Texas with the passage of the Michael Morton Act in 2013, after serving as a pro bono member of Michael Morton's legal team during the decade-long effort to exonerate him. Patricia went on to lead two of the country's most prominent conviction integrity units — first as Special Fields Bureau Chief of the Dallas County District Attorney's Office Conviction Integrity Unit, and then as Supervisor of the Philadelphia District Attorney's Office Conviction Integrity Unit under Larry Krasner from 2018 to 2021.

Today, both continue this work through the Peter L. Zimroth Center on the Administration of Criminal Law at NYU School of Law, where Patricia is a Research Scholar and Emily is a consulting scholar. The conversations in this series grew out of that collaboration, as well as consultation with prosecutors, former and current elected officials, and other practitioners across the country.

About the Series

This is the first in a series of conversations between Patricia Cummings, Emily Maw, and the Zimroth Center at NYU School of Law. Cummings and Maw are former prosecutors who have collectively led conviction integrity units in three different prosecutors' offices. An important goal of this series is to include the perspective of people who have done conviction integrity work in a prosecutor's office—a perspective missing from the literature on policies and best practices. Each conversation covers challenges that prosecutors working to address wrongful convictions are facing today, lessons learned, and potential paths forward. These topics are the product of joint research and discussion between the Zimroth Center, Cummings, and Maw, as well as consultation with prosecutors, former and current elected officials, and other practitioners across the country.

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About the Zimroth Center

Clemency and Second Chances

The Center is a leading voice for clemency reform at the federal and state levels. From 2016 to 2018, the Center established pro bono legal services, provided through the Mercy Project and the Clemency Resource Center, for the purpose of preparing and submitting federal clemency petitions to the Office of the Pardon Attorney. As a result of our work, President Barack Obama granted freedom to 96 of our clients, many of whom were serving life sentences for non-violent drug offenses. In recognition of the Center's efforts, our student fellows were awarded the inaugural Make a Difference Award in 2017 by NYU President Andrew Hamilton, for having "made a lasting impact for the better on the city, region, nation, or globe."

In 2018, the Center launched the Historical State Clemency Project, which explored states' historical clemency grants, and examined the types of offenses for which people received commutations, and the involvement of prosecutors in the deliberative process. The goal of the project was to shape the larger debate about "violent" versus "non-violent" offenses and the conventional wisdom about who was permitted a second chance in the criminal legal system. Our fellow, Ben Notterman, gathered commutation data for four states before the project was terminated due to the COVID-19 epidemic.

Prosecutors and Wrongful Convictions

In 2023, the Center published a report summarizing wrongful convictions and other court cases involving judicial findings of prosecutorial misconduct in the Philadelphia District Attorney's Offices. The Report identifies the individual trial and post-conviction prosecutors who were involved in these cases. Finally, it identifies certain common themes and factors that cut across the cases and contributed to the misconduct and offers reform recommendations for how to address and prevent prosecutorial misconduct going forward.

The Center is currently working on a research project with two former CIU leaders, Zimroth Research Scholar Patricia Cummings and Zimroth consulting scholar Emily Maw, that focuses on the legal and political climate within which CIUs operate, and the current challenges that CIU prosecutors face. As part of the project, Cummings and Maw will consult with CIU prosecutors, as well as elected officials and other practitioners, and produce a series of publications on various topics that are germane to the work of CIUs across the country.

Judicial Accountability

The Center has a partnership with Scrutinize, an organization dedicated to state court transparency and accountability, that has resulted in publication of various reports about bail-setting practices in New York City, including analyzing publicly available pretrial data for New York City judges to (i) identify those judges who were more likely to order pretrial detention relative to their peers, and (ii) understand how judges were complying with their legal obligation to set at least three different forms of bail for all bail-eligible defendants. We are currently working on reports focusing on the relationship between judges' bail orders and prosecutors' bail requests and the New York City Criminal Justice Agency's bail/detention recommendations.