The Peter L.
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Conviction Integrity Work:
Missing Voices

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Tear It Up?
(Part 1)

Reviewing CIU "Best Practices" After More Than a Decade of Doing the Work

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In our first two conversations, we examined why Conviction Integrity Units (CIUs) and the work they do have come under attack from both ends of the political spectrum, and how the undefined term "exoneration" has become a weapon in that fight. At the end of our last conversation, we said we would focus on the evolution of CIUs—how this work developed, what "best practices" and the early models looked like, and if (and how) units and the work they do have changed. That conversation led us straight to the "best practices" that shaped those early units, which is what we cover in this article (Part 1), as well as our next article (Part 2) in this conversation series.[1]

Nearly all of what the field calls "best practices" for conviction integrity work is drawn from a handful of papers written in a relatively short window, by a relatively small group of people, years before most of today's units existed. Together, they make up most of what a new CIU leader reads (or at least should read) before starting the job.

What none of the authors of these resources (the Zimroth Center included) had the benefit of was a decade-plus of prosecutors doing the work inside their own offices, under the kind of political pressure described in our first two conversations. This conversation, and the one that will follow it, is our attempt to measure those resources against that experience—not to tear it down for its own sake, but to ask honestly whether it fits the work as it is done today and whether it can stand up to the test of time.

I'm here again with Patricia Cummings and Emily Maw.

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.

Where Did These "Best Practices" Come From?

Courtney: Let's start with the authorities and resources themselves. Where did the idea of CIU "best practices" come from, and can you talk a little bit about these writings?

Emily: Efforts to codify what a CIU should look like go back at least ten to fifteen years now. One of the earliest of these, in my mind, is the report from the Zimroth Center's own 2011 roundtable, which you had a hand in drafting, Courtney. That document did include a top-ten list, but it was much less a laundry list of specific things a CIU should do, and much more a broad statement of the ways prosecutors could commit to conviction integrity across an office, with a back-looking "unit" being only one part of the blueprint for an office guided by principles of fairness and accuracy. After that came more specific recommendations—more granular guidance—about how a unit should run day to day. Unlike the Zimroth report, that guidance was written almost entirely by people in the innocence and reform movement, not by prosecutors or people who had run a unit themselves. The most comprehensive piece is probably John Hollway's 2016 report for the Quattrone Center

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.

at Penn Law, *Conviction Review Units: A National Perspective*, which he built on interviews with unit chiefs. (In 2010, Hollway co-wrote the book *Killing Time: An 18-Year Odyssey from Death Row to Freedom*, about John Thompson, my friend and the plaintiff in the landmark Supreme Court case *Connick v. Thompson*. He then became the Center's Executive Director.) And then there's Barry Scheck, one of the co-founders of the Innocence Project, who wrote about this early, in 2010, and then came back to it again in a 2014 lecture published in 2017.

Patricia: I'd add a fourth resource to Emily's list, one put out by Fair and Just Prosecution. That resource, *Conviction Integrity and Review: Key Principles and Best Practices for Ensuring Justice and Accountability*, is a short 2019 piece that is easy to read and reference. However, unlike the other resources and their authors, this short piece is a companion to a longer 2017 FJP brief from its "Issues at a Glance" series, written by a nonprofit organization founded and, at the time of publication, run by a former prosecutor, which "brings together recently elected district attorneys as part of a network of like-minded leaders committed to change and innovation"—in other words, newly elected progressive prosecutors helped shape it. And although it includes some new best practices, such as reviewing misdemeanor cases, for the most part it tracks the other three sources more than it departs from them.

In anticipation of this conversation, I went back and compared all four of these resources side by side, to see how much they overlapped and how much they diverged. There turns out to be a significant amount of overlap—at least five best practices or ideas that all of them discuss, in one form or another. I can rattle off those five quite easily and in no particular order: (1) report directly to the elected district attorney; (2) be explicit about your standard of review—I always borrow Hollway's language here, which says to explicitly define whether you use a wide or narrow intake funnel for reviewing cases; (3) collaborate with the defense—which everyone has more or less assumed means innocence organizations—and this one, more than any other, is Barry Scheck's baby; (4) be deliberate about who runs the unit and what qualifies them to do so; and (5) the unit should be independent—and, in Hollway's and FJP's words, not housed within the office's appellate unit, which in my experience has often led to units being physically walled off from the rest of the office. If there's such a thing as CIU best practices, in my mind those are the most important ones to focus on in this conversation.

The Building Blocks of a Unit

Courtney: Let's go through these recommendations, starting with leadership. Some of the early literature, Barry Scheck's especially, pushes for a CIU to be led or supervised by an "outsider"—someone from outside the office, ideally with a criminal defense or innocence background. What is your reaction to that today?

Patricia: There's a piece of that particular "best practice" I hadn't thought about until you framed it that way. The literature doesn't explicitly say "outsider"—although there's a real sentiment that CIUs really need layers of "outsiderness." Barry Scheck's work calls for somebody from outside the office to lead the CIU, and at least one office has even brought in reviewers from outside the county, because when a lawyer has worked in a particular legal community for years, it can be hard to say that a prosecutor messed up, and a defense lawyer messed up, and a judge messed up, all at once. A lawyer from outside the jurisdiction is naturally distanced from that, and that distance has real benefits. So, I guess it holds up to a point. But of course, it can also have real costs.

But generally, I don't love "best practices" if they are treated as rules to rigidly follow, because a lot of them really are just trade-offs—you have to decide what's going to work in a particular office, in a particular jurisdiction—and in regard to this particular "best practice," a lot of it comes down to what kind of leader is actually available to run a CIU.

Emily: I want to build on Patricia's observation here, because it's a very pragmatic consideration the literature mostly skips past. There simply aren't that many people to choose from in any given jurisdiction. If you want a true outsider, you're asking someone—usually someone later in their career, with a family, with ties to wherever they already are—to uproot their life for a job that, frankly, is not going to make them popular, in a state prosecutor's office that isn't going to pay them very much. In most places, you're choosing among two or three people who are already there. So, there may well be best practices for what kind of person you'd ideally hire. But there often isn't much of a real choice. It is worth noting that the Brooklyn Conviction Review Unit is a case in point here—as of our conversation in August 2026, they still had not found someone to run that unit since the chief, Charles Linehan, resigned his position in early 2025.

Patricia: And I don't think either of us believes the job should go exclusively to someone with a defense or innocence background. Emily, you have said that—contrary to what a lot of commentators prescribe—the person should have significant prosecution experience in addition to other experience. And you noted how you understood CIU work very differently once you spent a stint managing a trial prosecutor's docket.

Emily: Absolutely. You need people at the table who have prosecuted cases—who understand, from the inside, the pressures and the mindset of everyone who touches a courtroom. That's not a "nice-to-have." That's part of what lets you ask the right questions when you're interrogating a criminal conviction or outcome. Barry Scheck's entreaty to have an outsider run the unit has—in practice—led to a significant number of CIUs being started and/or run by former defense lawyers or innocence litigators, and that experience can be a real asset for someone in one of these roles. But I'd push back hard on anybody suggesting that you don't need prosecution experience, too—whether in that same person, or at least somewhere in the unit. The value of prosecution experience isn't just intrinsic, it's extrinsic. A CIU is only effective if other stakeholders respect its processes and recommendations. Like it or not, and justified or not, the unit has more credibility with other law enforcement and corrections agencies, with partners in other jurisdictions, and with the bench if it has people with prosecution and law enforcement experience on staff.

Courtney: Let's talk about the recommendation regarding CIUs' standard of review—should a unit have an explicit policy on how it decides which cases to take, how to conduct a review of those cases, and what proof it needs to recommend relief is appropriate and warranted?

Patricia: Yes, I think a CIU absolutely should. But to be clear, there are at least two parts to your question. I think just talking about standard of review (the second part) without talking about a unit's scope of review (the first part) can be both misleading and confusing. The scope of review and whether it is narrow or broad gets a lot of attention. Simply put, scope involves the question of whether a unit reviews just factual innocence claims or wrongful conviction claims more broadly. The second part is standard of review: once you've picked your scope, what's the bar or quantum of evidence needed before recommending relief? Clear and convincing evidence of factual innocence, or something softer—the "we wouldn't support this conviction today" test that some units have adopted, at least informally. And as I run through the various discussions regarding this particular "best practice" in my mind, there is a third part, which might be the only truly uncontroversial one: whatever standard you choose, be transparent about it. Tell people which one you're operating under when you review cases.

Emily: I agree, so this isn't a "yes, but," it's a "yes, and." Even though engaging in the conviction integrity review process is a discretionary decision for both the prosecution and the defense, publicizing a clear standard of review can lend itself to a particularly vehement applicant or their defense counsel taking the position that a CIU's decision whether to accept their case or make a recommendation for relief is subject to some kind of litigable challenge—if not in a courtroom then in the court of public opinion via the media. And CIUs are already operating with limited budgets and significant work. If you also have to respond to those types of challenges, it can be a resource drain and a distraction from focusing on the clearer wrongful conviction cases.

Patricia: I hear you, Emily, but scrutiny comes whether or not CIUs publicize their policies. Transparency is the better choice, even though it will sometimes have costs.

Tear It Up, or Build from It?

Courtney: Let's talk about independence—a unit's chain of command, and whether it should sit outside the normal reporting line—

Patricia: You're going to kill me—both of you—because I don't think I've said this so plainly and out loud before. I don't know how useful it is to go through each of these best practices one at a time. I don't want that to sound reflexive—we said at the start of this conversation that we weren't going to dismiss any of this out of hand, and I don't think this is what I'm doing. But I do think it's problematic how these best practices came about and given where we are now with CIU work under attack, I think we've just got to go back to the drawing board, period. That means asking, first, can (or should) there even be best practices, given the world we're in now? And only if the answer is yes should we ask what they should look like.

What we haven't talked about yet is that these best practices were born out of something we discussed in our first two pieces—the premise that innocence is different, and that we can all collaborate in our efforts to do this work because we all care about the truth. That promise was and still is real. But it isn't where the work is anymore. We've become more clear-eyed

about the work, and the honest new premise must be broader: innocence still matters, and there are still innocent people in prison—but what about fair trials, generally? What do we do if we investigate a case and conclude that a trial was constitutionally unfair but there is no evidence of factual innocence? The fact that this conversation isn't really happening broadly and explicitly, even though that's where the work is now, is why I think we're so vulnerable to the attacks we discussed in our first piece. The units that have said plainly, from the start, that this work will sometimes mean relief for people who are not factually innocent are in a much stronger position when those attacks come.

Emily: I agree with your diagnosis, and I want to be precise about why, because I don't want this to read as an attack on the people who wrote the original guidance. That guidance was written by people who had experienced real, justified frustration at how slowly and reluctantly prosecutors' offices moved on cases that should have been obvious. As the innocence movement grew, that frustration turned into a set of proposed criminal justice process reforms—and CIUs were one of them. The blueprint for how a unit should run was written largely by people concerned about innocent people in prison, and primarily from their point of view—prosecutors were consulted, but rarely at the table—because, as Patricia has alluded to, there weren't a lot of prosecutors fully on board with the notion that too many innocent people are in prison.

Since then, the work that units are being asked to do has broadened—not because CIUs decided to expand their own mandate, but because the communities and voters who elected these prosecutors have demanded it. The rulebook that was written largely from the innocence organizations' point of view must be rewritten. Continuing to operate as though it still fits a completely different moment isn't loyalty to the work; it's naive. That's why I think we must tear it up—and I mean that in the most respectful sense toward the people who wrote it.

Patricia: I agree with everything you're saying, and I don't think you have to start from the premise that the rulebook was written with any nefarious intent. It makes sense prosecutors often weren't at the table—this work as we know it didn't exist yet, so who was there to invite? But we're far enough into it now that there are people who need to be sitting at that table who've done the work. Which is really one of the major reasons we're doing this series.

Courtney: Can I suggest something, then? Many of the remaining questions I have for this conversation would have us doing exactly what you're pushing back on—looking at what people said ten-plus years ago and reacting to it. What if instead of asking those questions, we affirmatively talk about what we think the new principles of conviction integrity work should be and explain what's changed to justify them?

Patricia: I suppose we could do that, but I would want to think about it more. I don't think it's a bad instinct. But I'm not sure it's wise for us to say, right now, here's what the new rules should be—because the moment we do that, the criticism will be, three former prosecutors sitting at the table, presuming to hand down a new version of principles or best practices. And if we did that, is that any different from the problem we are discussing? I think part of what's missing isn't a specific principle, practice, or rule. It's a process. My instinct is: tear it up, go back to the drawing board, have the conversation, study it properly—and then, maybe, we land on one, two, three, four, five new principles. I don't think we have all the answers right now. But I do think we have some good ideas.

Emily: I keep coming back to the idea that this is a little like prescribing something before you've finished diagnosing the problem. What I keep wondering is whether the right venue for this isn't a single article at all or even a series of articles, but something closer to a real gathering of people doing this work, figuring out together what the broad new principles or guidelines for the work should look like, given what we've all actually experienced. Something a little like the original Zimroth roundtable that started all of this, Courtney.

Courtney: I am a little confused, because when I tried to move us forward on one of the actual principles a few minutes ago, Patricia, you stopped me and essentially said we need to tear it up. So, do you not want to talk about any of them, or—?

Patricia: It probably should be torn up. But that doesn't mean we don't talk about some of them—because some of them might come back, just in a different iteration.

Courtney: We're not going to resolve that disagreement in this conversation, and I don't think we should try to force it. But I think what you both are saying is that aspects of the existing literature no longer fit the reality of CIU work today, and there may be disagreement about whether the right response is to propose something new now, or to build the process for arriving at something new later. I think that tension is worth leaving on the page rather than smoothing over, because it's probably the most honest thing either of you could say to someone starting this work today.

Structure, Panels, and Where Judgment Should Sit

Courtney: Perhaps what we should do is turn to a more structural best practice: where a CIU belongs on an office's organizational chart, and who the unit reports to in the office. The literature generally recommends that a unit report directly to the elected district attorney. Does that hold up?

Patricia: My feelings here are genuinely mixed, and I think once again it's jurisdiction-specific in a way that resists a single best practice. I've seen offices where the CIU never actually gets to talk to the elected, and that is a real problem—it's diffuse, and you end up watering down decisions because too many people in the chain have some personal tie to the original case, a friend who tried it, or supervised it. But the opposite scenario has its own cost: if there's nothing at all between the unit and the DA, that reinforces the sense that the unit is siloed and somehow not a real part of the prosecutor's office—since it never runs through the same channels as the rest of the office—and it leaves the unit institutionally vulnerable the moment that elected prosecutor loses the next election. I think there's something worth borrowing from both models.

Emily: I strongly agree with Patricia's point that having it completely outside the normal chain of command, especially if combined with a CIU head who is an outsider or not a career prosecutor, and an elected who is not a career prosecutor from the office, can reduce efficacy. This is because it creates a notion, a false notion, that its decisions are not being made by real prosecutors, that it is not part of the real prosecutor's office, and that it is something that can be dismissed or waited out. And I'd add something that I think is genuinely counterintuitive. We tend to assume the elected official is the right person to make the hardest calls, because they're the one who is accountable, and if they were elected as an outsider to, or a break from, the office, they're removed from the confirmation bias of the institutional hierarchy in the office. But often the elected is making decisions that are susceptible to different kinds of direct political pressure—from the media, from victims' families, from community groups, from defendants' families—that a first assistant, or another senior person in the chain, simply doesn't feel in the same way. So, it can be more effective, not less, to have certain kinds of cases decided by someone who isn't the elected. There's also a practical piece: an elected who was previously a defense lawyer may need to personally recuse from many cases—without necessarily recusing the whole office—if review implicates a conflict with a former client manifesting in the case in any form (witness, victim, alternative perpetrator, member of the defendant's family, etc.). This is different from mandatory full-office recusal, which generally applies only when the elected represented the actual defendant.

Courtney: What about outside review panels—bringing in people from outside the office entirely to weigh in on a unit's conclusions?

Patricia: I'll admit I was hoping you wouldn't ask that one, because Emily and I don't agree here. I think outside panels are generally a bad idea, for a specific reason: I think part of what's broken in the criminal justice system is how prosecutors have historically exercised their own power and judgment inside an office. More specifically, we understand more than ever how cognitive biases play a role in decision making in general and prosecutorial decision making in particular. Outsourcing the hardest calls to a panel doesn't fix that. It just moves the decision somewhere else. CIUs largely exist to try to change that. I'm glad to bring in outside expertise on a discrete technical question—eyewitness identification, for instance—but not to make the final call.

Emily: I'll take the other side of that, at least in part. I think it depends heavily on a unit's mission. There's a real, intelligent case—Barry Scheck raised something like this—for external review panels that bring more people into the process. This enhances the decision-making process and frankly the thoroughness of the review because, well, more brains and perspectives are better than a few and you get more testing of internal confirmation biases. But it can also insulate a unit's conclusions. You know my professional background before the DA's office was as director of Innocence Project New Orleans for

many years, and one of the best things we did was have a case review panel, a group of volunteer lawyers who reviewed our requests to take a case to court (and the rationale for why we thought the person was innocent and we could win the case in court), and their feedback, questions, and occasional objection undoubtedly contributed to the fact that we never lost a case in our first twenty years of operation—because we only took externally vetted cases to court. I believe a similar process for certain kinds of CIU cases is very helpful to the positions the unit ultimately takes and that, if there is no external review panel, some kind of internal panel of prosecutors from other divisions or heads of those divisions can be as effective.

Courtney: One more structural question for you both. I want to preface it by saying that what I am about to ask is a clear example of how nuance in discussing "best practices" can get flattened or lost when units operate or are judged by rote checklists. So, with that in mind, my question is: when CIUs conduct a case review or investigation, how should they treat the trial prosecutor?

Patricia: Too many people might see your question as a simple question with a simple answer—"the trial prosecutor should play no role, full stop." But it is not a simple question.

Hollway addresses this best practice thoughtfully in his 2016 piece. His recommendations, for example, state: "Exclude personnel who participated in an underlying case under review from the CRU's decision-making regarding the case, limiting participation in such cases to the provision of historical information." So before answering Courtney's question, we should be clear about what role we mean. Is the trial prosecutor being given a seat at the decision-making table, or are they being treated as a potential witness who may need to be interviewed as part of a genuine investigation? Best practices should never give the trial prosecutor a decision-making role in the outcome of a case they tried. But treating that prosecutor as a potential witness is different—and, in many cases, necessary.

Courtney: Focusing on the last part of your answer, do best practices dictate that CIU prosecutors must *always* talk to the trial prosecutor as a potential witness in the post-conviction investigation? I'm thinking of a Philadelphia case before Judge Mitchell Goldberg of the Eastern District of Pennsylvania, where one of the judge's concerns was that the trial prosecutor, Richard Sax, had not been heard from. The same argument surfaced in the Lavar Brown litigation we discussed in our last conversation.

Patricia: The short answer is it depends on the facts and legal issues in the case. Judge Goldberg specifically criticized the CIU, in part, for not speaking to the trial prosecutor in the Antonio Martinez case. While some of the reasoning behind that criticism may have been valid, some of it seemed to come from a belief that the law requires that a trial prosecutor be afforded an opportunity to be heard before a new trial could be granted based on a *Brady* violation. Inserting that legal requirement into the issue raises a very different question than the one you are asking me. And it raises yet another related, but unanswered, question, which is whether a trial court can compel the prosecution to call a trial prosecutor as a witness in an evidentiary hearing as a prerequisite to granting a new trial.

Courtney, both of those questions are of course quite nuanced, as are so many other questions regarding the role of trial prosecutors in conviction integrity cases. And nuance often gets lost when critics of the work make broad statements regarding the role of trial prosecutors. For purposes of this conversation, I think the most important takeaway is to reiterate, you don't want the trial prosecutor deciding the outcome of a case they tried. But depending on the evidentiary issues in the case, you absolutely may need to talk to them as a potential witness.

Emily: To be clear, there is no one-size-fits-all approach. There are times when a trial prosecutor is a simple fact witness needed to answer questions like: "If this investigative report was in the police file but not in your file, could you have learned the information in it and turned it over in discovery before trial?" But they can also fill in gaps in the record or help with understanding how something played out in real life at the time of trial that a post-conviction lawyer just cannot get from the cold record. There are also times when their sense of a particular issue may be important for review, akin to the role a consulting expert witness may play in a case.

We've all tried cases; we all know that there are aspects of a case or dynamics of a case that don't appear in the transcript or the filings. Trial lawyers have often lived with these cases for years before they were tried and are, therefore, experts of sorts on the trial. But they are experts with a certain perspective and a certain investment in the outcome and should be consulted as such. This can even be true when a post-conviction review is looking at constitutional issues, such as allegations of ineffective assistance of counsel, not just some error that is alleged on the state's side.

And to expand further on this, to the extent that any best practices ever suggested that the trial prosecutor has no role except as a very limited fact witness, I think that has contributed to a lot of resentment and pushback from trial prosecutors because it's an approach imported from a defense litigator's—specifically an "innocence" litigator's—understanding of post-conviction work. If outsiders come in and file something in court that effectively accuses a trial prosecutor of misconduct without even the professional courtesy of a heads-up, much less the respect of asking them about the case—as a professional peer—before filing, it is unsurprising that career prosecutors see it as an affront and revolt against the existence of CIUs. Consulting the trial prosecutor(s) in the review process does not (and should not) give them veto power or a vote in the outcome; it simply adds to the review.

What's at Stake

Courtney: We said at the start that this subject warrants two conversations, and this seems like the right place to end the first one. So that's where we are. This literature—at least most of it, save for the FJP paper—was written early in the life span of CIUs, and certainly before most of the people doing this work today had a chance to weigh in. Both of you agree it no longer fits and have identified ways in which the best practices, as originally conceived, can hinder a unit's efficacy. You are seriously thinking about whether the next step is to propose new principles or to build out a process for arriving at these principles at some point in the future. I don't think that's a weakness in this conversation. I think it's the most honest place we could leave it.

Finally, there are some questions I deliberately have not asked in this first part of our conversation, because they deserve their own full discussion. These are: how siloed a unit should really be, whether CIU files should stay walled off from the rest of an office, what genuine collaboration with the defense bar should look like given the recent Lavar Brown decision, and whether academic articles like Sarah Gottlieb's *The Indelible Flaws of Conviction Integrity Units* use current best practices to squeeze units that are sincerely working to identify and rectify wrongful convictions. Those will be the subject of our next conversation.

There is also one issue that I want to preview as we look ahead in our conversation series. This is an issue that I think is running underneath the surface of a lot of these "best practices," and that I don't think the literature has resolved. And that is: what is a unit supposed to do when a case investigation yields evidence suggesting misconduct by a trial prosecutor who is still practicing in the office and/or who is still widely respected within the office? That question is too big for this conversation and, quite frankly, it deserves more than a place in a best-practices discussion. We will take it up in a conversation of its own after we finish Part 2.

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 third 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.