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THE INNOCENCE RECORD

Winston & Strawn creates a database of case data about convicts who were exonerated by DNA.

The Innocence Project (innocenceproject.org) has helped represent many of the 267 persons in the United States who were wrongfully convicted — and later exonerated — through the introduction of DNA evidence in post-conviction proceedings. Founded in 1992 by Barry Scheck and Peter Neufeld at the Benjamin N. Cardozo School of Law, it is

now an independent nonprofit organization. It has amassed a collection of court records from many of these cases, most since DNA evidence began being introduced into courtrooms in the early 1980s. The group recognized the extraordinary value these documents would have in determining the reasons why wrongful convictions occur — and ways they might

be prevented in the future — but had no ready method of accessing or analyzing these documents in any meaningful way.

In 2004, the leaders turned to Winston & Strawn to partner in creating a searchable repository of records. We are an international firm with 1,000 attorneys and an equal number of support staff; we operate in eight U.S. offices and seven abroad. Our efforts produced The Innocence Record, a searchable database of all available court records underlying the wrongful convictions of every person in the U.S. who has ultimately been proven innocent through the use of DNA evidence.

Our attorneys, summer associates, paralegals, researchers, information services staff, and other support personnel devoted more than 23,000 hours searching through every available relevant court record. The documents were then reviewed and abstracted, and records were scanned and stored in a secure, searchable PDF format. Meanwhile, our IS department, under the direction of Chip Goodman, designed and implemented the website and underlying database repository, and created tools to make the site work both for casual users and voracious researchers.

Twenty IS department staffers (including programmers, managers, litigation support, and web designers) have worked on the project. The Innocence Record is open to the public; case abstracts and records can be searched in a variety of ways, including by name, date, jurisdiction, or even by individual words within the records themselves.

Factual abstracts from the cases can be compared, allowing for sophisticated analyses of patterns and similarities that provide insight into systemic flaws.

Equally important, these historic records, many no longer stored by the courts, are in a web-based repository designed to serve future generations.

The Innocence Record website is, at its core, a technology tool. Its development depended not only on the involvement of Winston attorneys familiar with post-conviction exonerations, but required the leadership and involvement of our IS staff, who served both as architects and problem-solvers as the project grew in size and complexity.

A critical initial issue was the need to systematically capture and store exoneree files. Our e-discovery support team established protocols for gathering and scanning the documents and created a specialized imaging database to house all scanned documents, led by Michi Goto and David Siarny.

Four project leaders determined the content type of each document (e.g., police report, forensic report, court transcript, etc.), and categorized the files appropriately. Predetermined categories were stored in a database table, so the categorization process consisted of a simple click and selection from a list. Project leaders could monitor — in real time — the progress of the document-gathering and categorization process. This helped our team allocate additional resources when needed to locate difficult-to-find files.

Each document was Bates-stamped for accuracy and specificity. These files were then saved onto optical discs that could be shared with volunteer data miners, wherever they were located, to be reviewed, analyzed, and abstracted into questionnaires. About 500 individuals helped us mine data, including 50 students from the University of Illinois College of Law and Northwestern University School of Law.

Our practice support team, working interactively with five attorney supervisors, developed an electronic questionnaire that assured that all salient information from the captured files was collected and stored in a consistent, accurate manner, regardless of who was working on the file. It contains more than 90 factual entries for each case file, arranged by 15 subject tabs (i.e., defen-

dant background, victim background, case information, etc.).

To facilitate participation by Winston's many attorneys around the globe and law students, we created an extranet to house the questionnaire. Our team could access the questionnaire remotely via an internet connection. Project supervisors could then access and review the questionnaires as they were completed.

Documentation for many exonerees is scant, so we created a "Not Available/Applicable" designation to be available for any question in the template, as all fields are required to contain an answer. (This indicates data integrity for research purposes.) In addition, N/A allows users and project managers to know if the question is inapplicable to the case/file or if the researcher simply could not find the answer to the query.

Once the information was acquired and abstracted, researchers needed to effectively search and extract factual information from any of the files, so we created an electronic index of all structured and unstructured data located in the database. We then created a search application that not only delivered search results found in document titles, authors, etc., but could look within the text of a document. This tool helped users conduct sophisticated searches of every document stored in the database by word, phrase, field, or document type and quickly identify relevant documents and information.

Although the search tool was essential,

it was not helpful for meaningful comparisons of critical information from each exoneree's case or from the aggregate set of case abstracts. Understanding that the various case abstracts provided the most meaningful comparative source representing each exoneree, we developed a sort function that helps users uncover commonalities among the cases by searching against various case abstract field queries — such as whether the conviction rested on the testimony of a jailhouse snitch or a false confession, etc. This field search produces an Excel file with columns matching the searched-upon fields for download.

Our final challenge was how to share our data with law professors, social scientists, academics, legislators, and others interested in understanding the causes of wrongful convictions and preventing them from occurring in the future. We registered and secured the domain name innocencerecord.org. We house the site at our off-site hosting facility. To ensure privacy and security, the site design allows varying levels of access attainable through password approvals. (Details are available on the website.)

Neufeld, co-founder and co-director of the Innocence Project, describes The Innocence Record as "one of the most important contributions to the innocence movement by a private law firm. It will enable us and other advocates to hopefully be able to fix the problems in the system that cause so many wrongful convictions."

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TIME SERVED

- About 500 people helped mine data, including attorneys, summer associates, researchers, IS staff, and law students.
- Winston & Strawn personnel devoted 23,000+ hours to the project.
- Each document was Bates-stamped for accuracy and specificity.
- The Innocence Record project received the 2010 *L7N* Award for Most Innovative Use of Technology in a Pro Bono Project.

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