

Skadden and Weil, After 60,000 Hours, Near End of Innocence Project Backlog

The two Am Law 100 firms and the Innocence Project are close to clearing the group's backlog of thousands of requests for assistance.

By Jack Newsham
October 4, 2019

The Innocence Project, an organization that uses DNA evidence to exonerate people who have been wrongly convicted, is close to marking a major milestone, clearing a backlog of more than 5,000 applications for help.

Playing a key role in the effort were hundreds of lawyers at Skadden, Arps, Slate, Meagher & Flom and Weil, Gotshal & Manges who have clocked 60,000 hours reviewing prisoners' questionnaires over the past four years.

Olga Akselrod, the intake and evaluation director at the Innocence Project, said the firms have reviewed 5,700 files and are on track to wrap up the questionnaire backlog in its current fiscal year.

The backlog-clearing initiative, the brainchild of Innocence Project board members Vered Rabia of Skadden and Steven Reiss of Weil, wasn't a typical matter involving a one-off representation of a prisoner or indigent defendant that a small team of attorneys could handle. Rather, said Reiss, it was a major project that got help from nearly every corner of the firms—associates and partners, litigators and corporate lawyers, professional staff and even foreign lawyers.

In all, more than 700 attorneys were involved in the effort across the two firms, each of which put in over 30,000 hours on the initiative. Those pro bono hours counted just like billable ones for each



Olga Akselrod, at left, the director of intake and evaluation for the Innocence Project, and two members of the Innocence Project's board, Weil partner Steven Reiss and Skadden partner Vered Rabia, celebrated the elimination of the Innocence Project's application backlog at an event at Weil on Sept. 6, 2019.

lawyer, said Rabia and Reiss. Firm staff also played a key role, setting up the technology infrastructure to transfer case files and reviews among the firms and the Innocence Project, Reiss said.

"You can't get through a backlog of [that many] requests without a lot of lawyers involved," said Reiss, a partner at Weil.

The project got off to a slow start, but with practice, they managed to hone the training process and train more lawyers. Rabia said the initial training was roughly six hours long and included detailed discussion of DNA analysis. Eventually, she said, it was boiled down to a two-hour video, with additional reference materials that lawyers could turn to.

The Innocence Project's focus on reversing wrongful convictions with DNA meant Weil and Skadden volunteers screened applications with a close eye on biological evidence. Convictions for crimes such as fraud or drug dealing tend not to hinge on it. Other cases, such as rape, murder and burglary, often feature a lot of potential DNA evidence that can be key to identifying perpetrators and establishing guilt or innocence, including blood drops, sweaty fabrics or even saliva swabbed from a bite mark.

Case reviewers did some research into public records, like looking up appellate decisions to find answers to questions that prisoners didn't fully answer on their questionnaires. The volunteer attorneys were also trained on how to think through complex scenarios—say, a case with multiple defendants where some biological evidence was inconclusive, or a case where jurors were given scientifically inaccurate descriptions of its significance—and what role DNA analysis might play.

So far, some 900 requests for help from the backlog have moved on to the next stage of review, the Weil and Skadden lawyers said. In those cases, the Innocence Project and firms that support its mission will seek the trial transcript and other records so they can pore over the details and make a decision on whether to take on the case. Each of those reviews could take three months, compared with several hours for the first-stage review, Rabia said.

"It can take years from that initial intake" for the Innocence Project to officially take the case and win exoneration, she said. Some 367 convicted criminals in the U.S. have been exonerated by DNA evidence, **according to the organization's website**, and just over half of them have been

helped by the Innocence Project, which aids federal and state prisoners in most of the country. Groups with similar goals and names exist in a handful of other states and Puerto Rico.

Lawyers at Weil and Skadden continue to help the Innocence Project with its evaluation of applications. More than 2,000 people write to the group every year seeking help, and many of them go on to fill out a detailed questionnaire.

"Skadden and Weil have essentially become a standard part of the Innocence Project's intake process," said Akselrod, the IP's intake director. "It's just really been incredible for improving the efficiency of the process and allowing us to much more quickly find people that we are able to help and at least get back to and give closure to people we are not able to help."

The Weil and Skadden partners expressed hope that their firms' work with the Innocence Project could lay the groundwork for similar large-scale pro bono efforts. Some charitable organizations have been hesitant to embrace Big Law, worried that they will sink more resources into training outsiders than they will get in return, but buy-in from both the Innocence Project and law firm leaders was key, Reiss said.

"The bigger-picture point, and this is really critical, is that major firms have mass resources," Reiss said. "If you put the effort, going in, into really figuring out how to educate people ... you can get enormous bang for your buck."

Jack Newsham writes about the New York legal community and the business of law, including law firm finance and management and the battle for talent. Email him at jnewsham@alm.com and find him on Twitter @[thenewsham](https://twitter.com/thenewsham)