

Memorandum of Understanding

The mission of the Midwest Innocence Project (MIP) is to identify, investigate, and litigate cases of wrongfully incarcerated individuals and prove their innocence, leading to their exoneration and release. Covering five states (Kansas, Missouri, Nebraska, Iowa, and Arkansas), the MIP has often turned to other individuals and organizations to investigate or litigate cases of individuals who have applied for MIP for assistance. Historically, MIP has partnered with law schools and universities, including the University of Missouri-Kansas City and University of Missouri Law Schools, and Washburn University, as well as law firms and lawyers, such as Bryan Cave and the McCallister Law group. While our level of involvement in those partnerships has varied, it is clear from resulting exonerations that our clients and the MIP have benefited from this increased work capacity.

The University of Kansas School of Law Paul E. Wilson Project for Innocence & Post-Conviction Remedies (KU Clinic) also represents individuals with innocence claims in the State of Kansas. Handling both innocence and non-innocence claims, the KU Clinic has won at least 28 conviction reversals since 2009. The KU Clinic is supervised by three attorneys and staffed by law students, but like many legal service providers, lacks access to resources needed to investigate and litigate these cases.

Recognizing their shared interest in exonerating Kansas residents who have been convicted of crimes they did not commit, the MIP and KU Clinic have chosen to enter into a collaborative partnership to further promote justice and secure exonerations within the state.

This memorandum outlines the nature and responsibilities of the collaborative partnership between the Midwest Innocence Project and the University of Kansas School of Law Paul E. Wilson Project for Innocence & Post-Conviction Remedies.

- **Intake:** MIP would be responsible for all innocence case intake. Should someone apply to the KU Clinic for assistance with an innocence claim, the KU Clinic will send the inmate a copy of the MIP application with the instruction to return it to MIP. MIP will then process it as part of its general intake process. The KU Clinic will continue to handle its own intake for non-innocence cases, which are not supported by MIP resources.
- **Assignment of Cases:** The KU Clinic will contact MIP whenever it has room on its docket for a new case. The KU Clinic and the MIP Legal Director will discuss the Clinic's educational needs to make an appropriate referral; in some situations, the KU Clinic may request cases in the "screening" stage, where documents must still be collected, and in others, the KU Clinic may desire cases from the "waitlist," where all documents have been collected, but investigation is needed. All cases assigned to the KU Clinic will be from Kansas. The KU Clinic may reject any case assignment. MIP will prepare a conflict analysis form for the KU clinic to complete before the case-files are transferred. If a conflict is detected, a new case will be assigned. Should there be no conflict, MIP will write the inmate, letting them know the KU Clinic will begin working on their case in partnership with MIP. Once a case is assigned, it will remain with the KU Clinic until

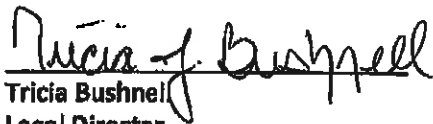
completion, whether that is closure or litigation. In the event that the Partnership is terminated by either party, the parties will negotiate the on-going funding for any remaining innocence clients, who will then choose which party continues the representation.

- **Representation in assigned cases:** Once assigned, the KU Clinic will be counsel of record on the case and will be in charge of all strategic decisions. MIP will be listed on all pleadings, however, MIP will serve only as a second-chair or co-counsel as requested by the KU Clinic. A copy of all major filings will be forwarded to MIP for review at least 24 hours in advance of the filing.
- **Funding of case investigation and litigation:** MIP understands that the KU Clinic does not have additional funding for innocence cases and will provide financial support for the cases within budgetary constraints. Because the cases are still MIP cases being worked on in partnership with the KU Clinic, MIP will be responsible for the funding of all investigation and litigation of a case, including travel and document costs within budgetary constraints. An annual budget will be set to cover day-to-day travel, copy, and document collection fees, including documents from clerks, police departments, and other agencies. The initial budget will be \$2,500. These expenses will be reimbursed to KU staff and students directly by MIP after submission of proper documentation and within 30 days unless otherwise agreed. Bills from clerks, police departments, and other agencies holding important documents will be paid directly by MIP. No prior authorization from MIP is needed for these costs to the extent that they are included with the annual budget established by MIP. The KU Clinic will provide invoices and receipts for all expenses.

Expenses Requiring Pre-Approval: Expert, DNA, and other litigation costs require pre-approval from MIP. In these instances, the KU Clinic will draft a funding request to MIP, explaining the necessity and amount of the anticipated expense. MIP will consider this case, along with the greater MIP docket, in granting funding requests. Cases placed at the KU Clinic will receive the same consideration for funding as cases on the docket of MIP attorneys. Should insufficient funding be available, the KU Clinic will work with MIP to design a funding raising campaign for MIP to implement.

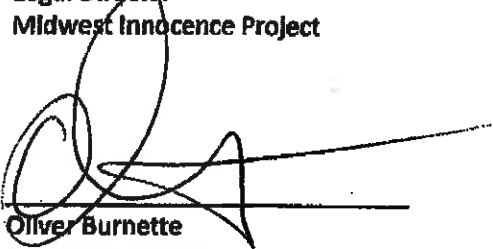
- **Fundraising:** The KU Clinic and the University of Kansas School of Law will work with and assist MIP in fundraising, using best efforts within the guidelines and restrictions of the University's policies.
- **Case Reporting:** KU will provide periodic case status updates to the MIP Legal Director, preferably before every MIP board meeting. The KU Clinic also agrees to records hours and information as necessary for any grant reporting, should grant funding be awarded.

- **Innocence Network Resources:** As part of MIP, the KU Clinic will have access to Innocence Network resources. KU Clinic attorneys will be able to join network list-serves and the Yammer forum. They will similarly be able to contact network experts directly to discuss cases. As part of the network, MIP and the KU Clinic agree to create and implement ethics and best practices for the handling of MIP cases, as required by Innocence Network membership. Such practices may include practices for witness interviews, conflict of interest, and use of the media, and are to be designed and agreed upon by the KU Clinic and MIP jointly.
- **Board Representation:** To further the cooperative nature of the relationship between MIP and the KU Project for Innocence, a seat will be reserved on the MIP Board for the Dean of the University of Kansas School of Law, or the Dean's designee.
- **Termination of Cooperative Relationship:** Either party may end this relationship and its affiliation under this MOU at any time.
- **Relationship of Parties:** The parties hereto are independent entities, and neither shall have nor exercise any control over the means, manner, or method by which the other performs its obligations under this MOU. Nothing contained in this MOU shall be deemed or construed by the parties or by any third person to create the relationship of principal and agent or of partnership and joint venture. Each party agrees to maintain their own, independent malpractice insurance.



Tricia Bushnell
Legal Director
Midwest Innocence Project

8/29/14
Date



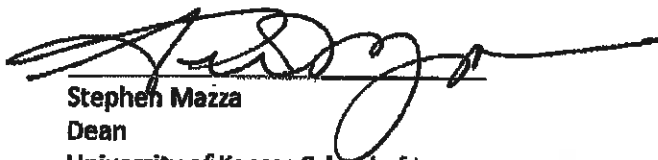
Oliver Burnette
Executive Director
Midwest Innocence Project

8/29/14
Date



Jean K. Gilles Phillips
Director
Paul E. Wilson Project for Innocence
& Post Conviction Remedies

8/28/14
Date



Stephen Mazza
Dean
University of Kansas School of Law

8/28/2014
Date