

THE **INNOCENCE** NETWORK

STARTING AN
INNOCENCE
ORGANIZATION

Updated September 2015

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Introduction

Thank you for your interest in pursuing claims of innocence on behalf of individuals who have been wrongfully convicted. The Innocence Network is an affiliation of organizations dedicated to providing pro bono legal and investigative services to individuals seeking to prove their innocence of crimes for which they have been convicted, redressing the causes of wrongful convictions, and supporting the exonerated after they are released. The Network is also comprised of projects that offer post-exoneration support services to individuals who have been proven innocent. Currently, there are more than 70 member organizations throughout the United States and abroad. For a list of Network members, please visit the [Network's website](#).

Innocence work is incredibly rewarding, but also very challenging. Establishing an effective, comprehensive, and sustainable innocence organization requires a significant amount of planning. At a minimum, you must have substantial financial resources and a staff with both adequate capacity and experience relevant to your mission. You also need a fully developed plan for running your organization, which for legal organizations includes a system for processing and tracking cases.

This guide is designed to provide individuals and groups who are thinking of starting an organization with information about the way innocence efforts are typically structured and some of the key questions you should consider when selecting the structure that will be the best fit for your situation. For groups that are already established and are considering Innocence Network membership, pages 15-18 include information about the benefits and obligations of membership, as well as our membership application process. Further questions about Innocence Network membership can be directed to Network Operations Associate [Norah Scanlan](#).

PART ONE: INNOCENCE ORGANIZATION MODELS

Organizational Structure

In the Innocence Network, the most common organizational models are the following:

- **Nonprofit organizations**: stand-alone organizations that are independently incorporated with a 501(c)(3) designation, have a governing board, and conduct their own fundraising. Many nonprofit innocence efforts have partnerships with law schools.
- **Law-school based organizations**: legal clinics or other structures housed within law schools (or occasionally non-law educational institutions), which often utilize the work of students under the supervision of a faculty member. These entities are not independently incorporated.

- Units in public defender offices: discrete units or divisions housed within larger public defender offices.

There are many other forms or structures that an innocence organization can take, including this fourth, less common model: a discrete pro bono unit dedicated to innocence cases within a corporate law firm. For the purposes of this guide, however, we will concentrate on the three, more common models listed above.

While these three models represent the primary organizational structures that exist in the Network, the actual distinctions between them can be very fluid. Many Network members are actually some combination of the models. For example, some nonprofit member organizations have their own 501(c)(3) designations but have a relationship with a law school or several different law schools, and, regardless of the organizational structure, nearly all Network members work with students in some capacity.

The next few sections of this guide will cover each basic model in detail and provide some questions and resources for additional exploration.

Model One: Nonprofit Organizations

There is a wealth of information available regarding the process by which nonprofit organizations are established. For assistance on issues of nonprofit incorporation, please refer to the following online resources:

- The Foundation Center's [Guide to Establishing a Nonprofit Organization](#)
- The Free Management Library's [How to Start a Nonprofit Organization: Guidelines and Resources for Entrepreneurs](#)
- The U.S. Small Business Administration's [How to Start a Nonprofit Organization](#)
- Idealist's [Nuts and Bolts of Starting a Nonprofit Organization in the U.S.](#)

Because all nonprofits must be incorporated in their respective states, and each state has its own laws, regulations, terms, and conditions affecting nonprofits, it is advisable to secure guidance from a legal and/or financial professional in your state with experience working with nonprofits.

For innocence organizations, establishing a stand-alone nonprofit organization has the advantage of offering a high level of autonomy and flexibility. Overseen by a governing board of directors with the ultimate authority and responsibility for the work of the organization, nonprofits are not accountable to any other institution, which may have conflicting priorities or other concerns. Typically, Network member organizations that are nonprofits enjoy the most autonomy of any of the other models discussed in this guide.

Being a stand-alone organization also comes with challenges. As the board of directors has the largest influence on an organization's success, establishing a highly functioning, knowledgeable, engaged board from the start is very important. It is also important to ensure that the structure of the board and staff supports raising the funds required to sustain the organization each year. Without an affiliated institution covering your operating costs and staff salaries, one or more members of your team must devote significant time to raising funds.

Key Questions to Consider:

- If an innocence organization is already operating in the geographical area you wish to serve, what distinguishes your effort from theirs? Might it be better to work with them to help expand their capacity?
- How do you plan to fund the organization?
 - Who is responsible for conducting fundraising initially, and who will be responsible going forward? *Note that if you think gaining and maintaining funding as a free-standing organization will be too onerous, you may want to consider one of the other two models.*
 - What kind of revenue sources do you plan to pursue?
- How do you plan to establish a board of directors? *Note that the minimum and maximum number of board members varies by state.*
- Where will your organization be housed – and what will it cost? Will anyone be willing to donate office space?
- Do you have appropriate levels of insurance? *Most organizations should have at least general liability as well as directors and officers (D&O) insurance, and all Network members that conduct legal work are required to have malpractice insurance.*
- Do you have legal expertise at your disposal, either on staff or through a partnership? Do the individuals leading the legal work have criminal litigation backgrounds, particularly in post-conviction work?
- Does the individual leading your organization at the executive director/CEO level have nonprofit management experience and skills, including working with a board of directors, managing staff, and raising funds?

Raising Funds Before You Begin

It is important to ensure that you have adequate resources before beginning to accept cases. Innocence claims are fragile and complicated, and without the proper staff and process in place, you can potentially harm your clients' chances of legal success. At the Innocence Network, we ensure a prospective new member is on solid financial footing before granting them membership. A clear and realistic budget, as well as some money in reserve, indicates that it is less likely a prospective member will be forced to close their doors in a year or two because they have depleted their funds, thereby frustrating the continued commitment to their clients. Ideally, before opening their doors, new organizations should have enough funds (either in cash or commitments) to operate for several years.

Establishing a Board

When establishing your board of directors, select members who care about the mission and are willing to be ambassadors for your work and connect you with others in the community. Take care to develop a diverse board that includes individuals with a breadth of knowledge and applicable expertise. Skills and traits beneficial to board service include leadership, ability to work as part of a team, community and political connections, financial expertise, technological know-how, and PR/marketing/communications experience. Diversity of gender, race/ethnicity, age, geography, occupation, and expertise helps to ensure a greater range of perspectives about how your organization can grow. Consider using a board matrix worksheet to help assess your ideal board composition both in the short and long term. You can find a [sample board matrix](#) at [BoardSource](#).

It is crucial to set clear expectations for board responsibilities before offering board membership, including the role of the board in fundraising and participation in board meetings and other work of the organization. A board member's individual fundraising responsibility should include giving a significant personal contribution and helping to secure additional resources for the organization; however, each of these may look different depending on the board member.

Model Two: Law School-Based Organizations

Relationships vary between innocence organizations and the law school or other academic institution housing them. Some organizations are totally subsumed by their affiliated university – meaning that the university completely supports the organization by providing students, space, salaried faculty, fundraising services, etc. This backing can be very advantageous because it allows you and your staff to spend less time on raising money, administering payroll, managing benefits, contracting maintenance and IT support, etc., and more time on getting innocent people out of prison. While a close affiliation with your law school is not always necessary, you should ensure that your organization has the ability to fundraise if they are not providing adequate funding.

The potential downside to this model is that it often necessitates a loss of autonomy to the law school and/or university, which may influence the types of cases the organization may accept and the organization's messages to the media and its financial decisions. Some organizations may find it frustrating to cede this authority, while others may be comfortable with it. Law schools and/or universities may even require that the innocence organizations use certain systems, such as a specific case management tool or online donation platform, which may not always be what the organization would have selected.

Other organizations have looser affiliations with their universities, so it is important to spend considerable time thinking about, discussing, and resolving what the details of the relationship will be before finalizing the arrangement. The contours of the relationship often depend on the level of resources the university can commit to the innocence effort and how much the administration wants to be involved in the work.

In the past few years, law school enrollment in the United States has dramatically decreased. As a result, in many cases, funding that used to be available to clinic programs has been cut, and some Network members that previously did not need to raise money are now required to do so, and others have been forced to reduce staff.

Key Questions to Consider:

- What do you and the law school/university anticipate as the scope and nature of your relationship? For example, what aspects of your work is the university willing to cover? Will they only provide space and office equipment? Will they be responsible for the salaries of your staff? If so, will staff be required to teach classes, and will these classes be related to wrongful convictions?
- How will you use students, i.e., via a clinic, externship, internship, or wholly volunteer model? What are the advantages/disadvantages of each? If you plan a model that carries academic credit, will it be a semester-long or year-long commitment? How many academic credits will it carry? If you plan a clinic model, do you have adequate faculty staffing to supervise the caseload and teach the requisite seminar component?
- What limitations might you encounter because of your connection to the institution? If you want to raise funds on your own to pursue a new initiative or hire an additional staff member, will the university allow it, help pay for it, and otherwise support it? If so, will the university's development office help raise the requisite funds? If not, will the development office's policies prevent separate fundraising to pay for the position?

Tips for Gathering Institutional Support:

Become an integral and valued part of the law school.

For law schools, having an innocence organization attached to their name can be a valuable selling point to potential students and donors. Make the institution feel proud of your work and responsible for your clients and the ultimate success of your organization. Find senior allies on the governing faculty who understand and value your contribution to the law school and would be willing to advocate for your work with the rest of the faculty and the administration. Strive to maintain an amicable relationship with your dean, as he or she can serve as your greatest champion or your biggest roadblock.

"Sell" yourself to the law school.

Let the institution you are pursuing know what an asset an innocence program could be to their university by stressing the potential advantageous impact it can have on curricular enrichment, media attention, student recruitment, and alumni engagement. Pitch ideas for school events around wrongful convictions that will benefit the university.

Secure substantial faculty supervision and time commitment.

If you are relying primarily on students to conduct the majority of the heavy lifting in terms of case investigation, pay particular attention to obtaining sufficient and appropriate faculty supervision of their work. Innocence work requires careful planning, diligent effort, and sophisticated legal analysis. Even

experienced litigators who have spent years doing criminal defense work experience a learning curve when they begin to litigate wrongful conviction claims. Not all law professors with an academic interest in this field are able to provide adequate representation of clients, let alone supervise the work of a dozen law students. Given that, the faculty member overseeing the program must have both an adequate experience level, if not in wrongful conviction, then at least in criminal defense litigation.

The faculty director must also have sufficient time to devote to the program. Work on a particular innocence case, from case investigation to drafting briefs to litigating cases, can take hundreds or even thousands of hours. To ensure that the students are progressing in a productive and appropriate manner, a seasoned faculty member must offer a fairly substantial amount of time to providing support and guidance. Although even more is recommended, the Innocence Network requires that all of its members operating in universities have a faculty member who devotes at least 20 hours a week to overseeing the innocence clinic, meaning half of their paid time is spent supervising this work. This can sometimes be difficult or even impossible for faculty with a full class schedule, and sometimes publishing responsibilities, and should be thoroughly discussed with your university during the initial planning stage.

Model Three: Units in Public Defender Offices or Organizations

As with other models, the configuration of an innocence program within a public defender (PD) office or organization can vary greatly depending on the structure of the office or organization within which it is housed. With all structures, however, there are some overarching issues to be mindful of while planning.

The autonomy of an innocence unit within a PD office or organization can vary significantly depending on the structure and culture of the office and organization as a whole. In terms of casework, the director of an innocence unit can usually maintain control over which cases to accept and the various legal strategies employed. However, when it comes to other areas of innocence work, such as legislative advocacy, media/communications, workflow and case management systems, there are often broader organizational concerns about priorities, messaging, and liability. Because of these concerns, a discrete unit may need to consult with or concede to the greater office, a general counsel, or another overarching authoritative body.

Key Questions to Consider:

- Where within the PD office will your unit be set up? How will your operational systems (case management, finance, etc.) interact with the office's operational systems?
- How can you ensure long-term, institutional support from the PD office, including staffing support (lawyers and administrative assistance)?
- How can you partner with other nonprofits, law schools, private law firms and/or bar associations to assist in areas that you may be prohibited from exploring, such as policy work or fundraising?

- Do you have a strong system for identifying conflicts of interest for clients who may have been previously represented by someone else in your office?
- Do you have an internal or external conflict referral system for clients who are conflicted out of representation by your unit?

For PD offices, it is critical to think about exactly *where* within the PD office the innocence unit will be housed, both organizationally and physically. Some PD offices already have an appeals or post-conviction division, which is a natural place to set up an innocence unit. There may even be attorneys within those divisions who are experienced and interested in this work who could take the lead. Access to the greater office's criminal legal expertise, particularly in post-conviction work, and other services, such as social workers, is also an advantage. Alternatively, you may find that locating your unit within a trial office, where you have access to staff investigators, provides a better fit for your unit.

Regardless of your location, you should ensure that in addition to a litigator or staff attorney, you have support staff dedicated to the unit who can help with other areas, such as administrative tasks and case intake. You may be able to utilize support staff from the greater PD office, but you should advocate for an independent support staff initially. In addition, you should think about how you will address the investigation and expert needs of your cases, and whether some or all the necessary resources can be addressed internally through partnerships with other PD units.

PART TWO: ISSUES APPLICABLE TO ALL MODELS

Resources

Aside from the legal expertise of your staff and the operational model you select, ensuring that you have adequate resources is arguably the most important consideration when establishing your innocence organization. These necessary resources include both financial and human (staff) capital.

Funding

The importance of having adequate funding to conduct your work cannot be understated. Before you begin exploring grant opportunities or charitable fundraising opportunities, it is essential to check your state's requirements for these avenues of funding. If you are part of a state agency, you may be prohibited from engaging in charitable fundraising, and there may also be requirements for seeking approval to apply for grants. Even if you are not prohibited from engaging in fundraising, you may need to register with a state agency and pay a filing fee, and/or your state may require that you have, or be seeking, charitable status from the IRS. This information can often be found in your state's Attorney General Office. If you are part of an affiliated institution, make sure you are aware of any fundraising restrictions imposed by the institution.

Regardless of the applicable restrictions, it is essential that you and the others spearheading the effort are committed to raising money to get started and that sufficient resources are devoted to continue

doing so once the program or organization is up and running. Getting a federal grant or other funding stream for start-up costs is just that – a good start. You will need continued funding for staffing, experts, DNA testing, office space, travel, office supplies, and technology, if these elements are not already provided at no cost by an affiliated institution. As part of the Network Membership Committee’s application process, and its ongoing review after membership is granted, the Committee will carefully consider an organization’s funding stability, including its operating budget, revenue, and reserves.

Adequate funding for your staffing needs is crucial to consider when crafting a budget. Remember to think about your administrative needs as well as your legal ones. If you aren’t able to pay for an entire staff member’s salary, consider approaching an institution you work with for assistance. While the Network does not recommend relying solely on volunteers, they can provide additional important and very helpful assistance.

For nonprofit organizations with a governing board, it is an essential function of the board to ensure the proper resourcing of the organization. Every board member should participate in fundraising in some way and give a gift that feels significant to them (this number can vary widely between people). If you have an advisory council instead of or in addition to a governing board, you may also want them to contribute to fundraising. For both types of boards, the expectations should be clarified during the recruitment process.

All staff and volunteers, including governing and advisory council members, should be positive ambassadors for the organization and advocate for their work with family, friends, and in their community. Being able to advocate for the work and develop a compelling case for support are key aspects of successful fundraising. Once you can demonstrate your passion and the unique contribution of your organization, it’s a short step to asking people to join you in making that work happen!

Before you begin fundraising, there are several tools you should have in place that will help you be successful. If you are part of an affiliated institution, you may already have access to these tools or there may be restrictions on how you are able to use them.

- A Donor Management System (also known as your donor database) will help you keep track of your donors, their giving history, preferences, and relationship with your organization.
- An Online Donation Tool that will allow you to accept gifts online and enable you to accept monthly or recurring donations.
- An Email Broadcasting Tool will enable you to send mass emails to your supporters to keep them engaged and informed and facilitate online fundraising.

Developing a fundraising plan is an essential step for any organization. A plan will help guide your efforts and ensure that you have the funding necessary to carry out your work. Your plan should include a diverse array of funding streams, which may include individual donors, private foundations, government grants, and special events. The Network Support Unit, the staff department at the Innocence Project

that works exclusively with the Innocence Network, recommends that no single revenue source comprises more than 30% of total revenue to ensure a diversified portfolio.

Ultimately, fundraising is about relationship building. It's important to see donors as people who care about your cause, not just as people with resources to fund your work. By doing this, you will build donor loyalty, raise more money, and have a stronger overall base of support. To achieve these ends, your fundraising plan and goals should include more than just raising a particular amount of money. They should also include ways to acknowledge, update, engage, and thank existing donors in addition to strategies aimed at soliciting new, renewed, and increased gifts.

Once you have created and executed your fundraising plan, be sure to return to it to evaluate the success of your strategies relative to your goals and adjust as necessary as you make your next annual plan.

Non-Financial Support

Not all support is financial (i.e., money). In-kind donations, such as space, software, office equipment, or other tangible items, can be very valuable and are often easier for an individual or group to give. Innocence organizations have a particular advantage in this area because you can often partner with a university or law firm to access some of these items.

Law firms may also be able to offer pro bono legal services. Pro bono attorneys can devote hundreds of hours to a case that your organization may not have the capacity to contribute. Individual lawyers can also sit on your board and offer expert legal advice on an ongoing basis. You can also tap into a law firm's network to help in your fundraising efforts. Finally, you can take advantage of other services pro bono attorneys can provide, such as advice on corporate issues including human resources, organizational structure, ethics, and advocacy.

Office and Equipment

For organizations that opt for the law school or public defender office models, office space can often be secured for little to no cost. For nonprofit organizations, it is also sometimes possible to find discounted or donated space. If your staff is large enough that you need your own office, be sure to budget for this accordingly.

Keep in mind there are a variety of miscellaneous infrastructure costs associated with starting an organization, including computers, Internet and telephone services, professional memberships, case management systems, etc. Innocence work often includes additional expenses for things like DNA testing, investigators, and experts. The Network has a sample budget template for innocence organizations that the Network Support Unit is happy to share with you upon request.

Communications

To gain support (both financial and mission/case work), it is important to publicize the work of your organization. That is much easier when you have a website as well as a presence on social media,

including such things as Facebook, Twitter, and Instagram. If you affiliate with an institution, it may have a technological infrastructure that can be utilized. If not, there are some low cost website templates that you or a volunteer can customize to meet your needs. Students, interns, and volunteers are a great resource for managing communications and social media, but they must be supervised by a staff member to ensure that their work is accurate and appropriately representing your mission.

Even if you have not yet had an exoneration (they can take years), your mission and work can still be publicized. You can provide links to movies, videos, and TV shows that vividly portray the stories of exonerees. You can develop relevant materials, such as articles or blog posts, describing the leading causes of wrongful convictions, citing policy victories and statistics concerning the criminal justice system at large. You can also share the accomplishments of other Network member organizations, highlighting the collective impact of innocence work. Celebrating the collective accomplishments is a great benefit of being a part of the Network, but, if you're writing about another organization's success – in printed materials, websites, or on social media – be sure to acknowledge that organization and link to their website. The Network has more detailed guidelines related to coordination around communications that the Network Support Unit is happy to share with you upon request.

You can also get the word out about your organization through other means, such as by hosting speaking engagements for experts in the field, exonerees, and others, and holding workshops offering CLE credit for attorneys in your state.

Human Resources

Staffing

When considering who will be doing the actual work of your organization, there are different types of staff you can and should recruit. If you are forming a legal organization, your staff should include someone with legal expertise. Whatever type of organization you initiate, you should have a leader who has an interest and/or experience as a high-level director, whether as an executive director or another position in the management of an organization.

Additional consideration should be devoted to determining who on staff will be investigating and litigating the cases. Post-conviction innocence claims are hard to litigate and must be done or carefully supervised by a skilled criminal lawyer. Generally, the clients have only one more chance to secure their freedom. If you determine your staff lacks the capacity to investigate and litigate the cases fully on its own, consider obtaining assistance from pro bono lawyers and law firms.

Other Work

Innocence organizations often recognize the need to and advantages of taking on work other than direct case investigation and litigation, including post-release assistance for exonerated clients and policy work to address the causes of wrongful convictions and the avenues of relief for the wrongfully convicted. Consider what work your organization may choose to take on (either from the start or once you are

established), and who will be responsible for it. You may not have the capacity to have individuals devoted solely to these tasks initially, but you should think about who will shoulder the responsibilities when they arise, as they can take a significant amount of time and are important for advancing innocence work.

Governing Boards and Advisory Councils

By law, every nonprofit organization must have a governing board (a “board of directors”). As the name indicates, the role of the board is to govern the organization. The board creates the vision, mission, values, and policies for the organization, all of which impact an organization’s success, and oversees the work of the organization to make sure it stays “on mission.” Financial health and oversight are also key responsibilities of a nonprofit board.

Advisory councils, on the other hand, are not boards of directors. They are not legal bodies and cannot assume responsibility for the governance of an organization. Advisory council members normally have no legal responsibilities. They have no vested right to serve and no immunity from removal.

Depending on the structure of your organization, you may be unable to create a governing board and may determine that creating an advisory council to provide high-level advice or guidance, raise money, and/or provide access to specific individuals in your community would be beneficial. In fact, many nonprofit organizations with governing boards also establish advisory councils to complement and supplement the work of the board. If you decide to create an advisory council, start by writing a statement of organization and purpose of the council to help you and the council identify the collective role of the group and describe the responsibilities of individual members. This statement serves as an important tool for recruiting and orienting new members, monitoring the performance of the group, and ensuring that the role of a governing board is not conflated with that of an advisory council.

Students

Regardless of their organization’s structure, most Innocence Network members work with law students in some capacity. Having the assistance of committed law students in researching, investigating, and doing the many other time-intensive tasks related to your cases can offer a great deal of work at a low cost. Regardless of how you involve students in your work, there are some important elements to consider.

Clinic Structure:

- If you are operating a legal clinic, you should consider the questions addressed above in the earlier discussion of law school-based organizations, including how many credits students will earn. Will the course be graded or will students receive a pass/fail?
- How long will your students work with you? Most clinics can either run for one semester, two semesters, or a full calendar year. The Network Support Unit has found that the longer the clinic’s duration, the easier it is to ensure continuity. Keep in mind the time it takes to adequately train students to do their work as well as the time required to orient them to the

specifics of a case. Have a process in place to ensure the smooth transition of information from one set of students to the next, and be cognizant of the relationships clients form with one another – and with clients, being sure that clients understand that specific students are only working on their case temporarily.

- How will you select your students? This is tough work, and students will often be communicating at length with clients, investigators, and other stakeholders in your case, so it is important to carefully select the students you want representing your clinic. Some law schools do not allow “selection” of students, holding open enrollment instead. In that case, ample information about the scope and requirements of the clinic work should be available before registration to ensure that students understand the commitment required. In both cases, a strong orientation is extremely important to ensure that students at least have the basics before they begin doing casework.

Internships/Externships:

- If your project is not affiliated with a law school, an alternative is utilizing a law school’s internship/externship program where students receive class credit for working with your organization.
- Work with the law school to determine the optimal number of credits and related work hours that will be required.
- As part of the law school’s formal internship/externship program, your organization will have to meet attorney supervision requirements, which of course are also required to ensure the students are doing effective and appropriate casework, and be willing to provide student evaluations to the law school’s internship/externship supervisor.
- Many internship/externship programs may be for one semester only, so be prepared for the high turnover rate that can occur when utilizing these programs.

Work:

- In what capacities will the students be working? If they will be assisting staff attorneys with the litigation of cases, you should confirm that students are certified to practice law in your state. If they will be used only for investigation of cases, it is likely they will be exempt from the certification requirement, but it is advisable to seek that exemption from the State Bar.
- Once you determine what work the students will be involved in, your clients should sign a “student representation policy” – or at least your representation agreement should include that fact – indicating that they understand that they may be represented by students. This policy is also a requirement of Network membership.
- Who will supervise the students? It takes a great deal of time and energy to manage students – they need to be trained, mentored, and very closely supervised. Utilizing ten law students does not mean that you multiply your capacity by ten.
- Be very cautious when considering students to merely volunteer on your project. While very well intentioned, the time demands on law students are great with class work, internships, and jobs. Volunteer obligations typically become the lowest priority, and the supervision required can sometimes grow to exceed the value added.

Partnerships

For a number of reasons, partnering with external organizations and other institutions can be very beneficial. The Network Support Unit encourages you to think creatively about what kinds of strategic partnerships you may want to pursue. Consider some of the following:

- **Law firms:** law firms can offer an innocence organization many advantages and services, such as:
 - Tangible benefits, such as space for board meetings and access to specific software.
 - Pro bono attorneys who can devote hundreds of hours to your casework, providing a great deal of capacity to supplement your own organization's staff.
 - Pro bono attorneys who can offer expert legal advice and advice on corporate matters, such as human resources, organizational structure, ethics, and advocacy.
 - Lawyers who can sit on your board or advisory council, and who can connect you into a law firm's network to help with your fundraising efforts.
- **Other nonprofits:** especially for organizations associated with law schools or housed within public defender offices, partnering with a nonprofit can be helpful for fundraising and for providing additional social services support for your exonerees.
- **Lobbyists:** lobbyists can help with your policy work and are particularly helpful if legislative advocacy isn't your area of expertise. Be aware that there are rules that apply to nonprofit organizations that regulate how much time can be spent on lobbying. For more information on nonprofit lobbying rules, please visit the [Alliance for Justice](#). The Network Support Unit is also happy to share their Nonprofit Lobbying Guide with you upon request.
- **Government agencies:** Strive to establish good working relationships with record-holding agencies, law enforcement, legislative offices, and prosecutors when possible. This can help in both your policy and casework.
- **Other Network member organizations:** whether collaborating on casework, policy work or fundraising, Network member organizations can learn from one another by sharing knowledge and resources.

Insurance

The Network requires its members that represent clients to have malpractice insurance, and, depending on your organization's structure and activities, other types of insurance may be required and/or advisable. An insurance professional can help you assess your organization's risks and inform you about policies specific to the types of exposures that may impact your organization. At a minimum, most nonprofits also consider:

- **Property insurance** covers the repairs to or replacement of essential property, such as offices owned by the nonprofit and equipment used in programs.
- **Commercial general liability** policies address claims alleging bodily injury or property damage. Slips, trips and falls are the most common claims covered by CGL policies.

- **Commercial auto, automobile liability and non-owned automobile insurance** address the exposures associated with use of owned, rented and borrowed vehicles.
- **Directors and Officers Liability** insurance addresses claims alleging wrongful management decisions by the volunteer and staff leaders of the nonprofit. The most common claim filed under a D&O policy alleges wrongful employment practices.
- **Workers compensation** insurance is required if the nonprofit has any employees.
- **Specialized computer coverage** addresses the possible loss of data or equipment, such as laptops, that is not generally covered in regular property insurance policies.

Your specific exposures will determine what types of insurance your organization needs. The [Nonprofit Risk Management Center](#) is a nonprofit resource center that does not sell insurance but is available to answer questions about insurance via phone (202-785-3891) or [email](#) and to conduct a risk assessment or comprehensive review of your nonprofit's insurance program.

Casework

When starting a new innocence effort, one of the very first decisions you need to make is to determine the scope of your organization's mission. Are you going to represent clients and litigate cases or just investigate claims of innocence? Will you do your own case screening and evaluation or work with another organization that will refer cases to you? Will you provide services to exonerees after they've been released from custody? What capacity and expertise do you have? If you have limited capacity, are there partnerships you can forge to expand it?

Scope of cases

The next step is to decide what kinds of cases you will accept. There is a big difference between investigating and litigating cases where there is DNA evidence and where there is not. Depending on the experience and expertise of your staff, you may consider limiting the kinds of cases you accept to one or the other. There are some cases requiring specialized knowledge, such as convictions based on Shaken Baby Syndrome, arson, and child sex abuse. Those cases will likely require the use of experts. Are you capable of accepting these kinds of cases? Some Network members who receive thousands of requests for assistance have adopted other criteria to help them decide which cases to accept. Some will only take on clients who have sufficient years left on their sentences to allow their (often protracted) efforts to be helpful, for example. In short, it is critically important to inventory your resources before deciding which cases to take on.

Geographic and jurisdictional limitations are also important to consider. Some Network members take cases from multiple states, single states, or even single counties. In thinking about what works best for your organization, consider whether there are other innocence organizations in or around your jurisdiction with which you can partner. If there are, try your best to establish a good working relationship with them; communication about active cases is important in order to avoid duplication of efforts or confusion over client representation.

Once you have established your case selection criteria, publicize it so potential clients will know upfront whether or not they are eligible for your assistance. One way to get the word out is to give interviews to the media. When a new innocence organization comes online, word spreads fast within prisons.

You should also decide who will “screen” inmates’ requests for assistance, i.e., who will determine which cases to accept and which to reject. Will you have a designated case selection committee? Is the ultimate decision up to the executive director, legal director, or investigator? Will you consult with a board member or pro bono counsel? Whatever structure you set up, you need to have it ready to go before you go public. Once word gets out that a new innocence organization is starting, a huge onslaught of requests for assistance may come your way.

Case Management

Carefully tracking and clearly documenting the work done on each of your cases is not only important in helping you stay organized, it is also critical for your clients and potential clients. Case management for innocence work can be complicated. You first need to keep track of the requests for assistance and then follow the arc of the individual cases you accept. If something happens that requires transferring a case or cases to another innocence organization (e.g., a conflict of interest develops or your organization is forced or chooses to close), the case records must be a form that is easily transferrable. For this reason, the Network highly discourages keeping only hard copy files.

There are many case management software solutions available, several of which may be available to your organization for free. For more considerations on selecting a case management provider, the Network Support Unit has a Case Management Resource Guide which is available upon request.

Post-Exoneration Support

Although it will likely take some time before you achieve an exoneration, you should keep in mind that your clients may require a lot of non-legal support after they are released. Are you willing and able to provide this support? While there are many re-entry services available to ex-offenders, most of our clients do not qualify for those programs because of their innocence. Often lawyers who have worked closely on a client’s case become their main source of support following their release, which necessarily reduces the amount of time those lawyers can devote to other clients’ innocence claims. Some clients may have resources and a supportive family, but this is sadly not the case for all clients. Review this [checklist](#) from the Network’s Exoneree Support Committee for things to consider as an exoneration approaches, what to do immediately after a client is released, and what to do as time goes on. If you are unable to support your client through this process yourself, you should find out what resources exist in your area, such as local nonprofit or social service agencies, and be prepared to reach out to those agencies quickly once a client is released or even before, so the agencies can be ready to assist.

PART THREE: MEMBERSHIP IN THE INNOCENCE NETWORK

The Innocence Network

We have referenced the benefits, requirements, and resources provided by the Innocence Network several times throughout this document. Below you will find a more comprehensive overview of the Network, the benefits and requirements of Network membership, and the eligibility criteria and application process.

The Innocence Network is an affiliation of organizations dedicated to providing pro bono legal and investigative services to individuals seeking to prove innocence for crimes for which they have been convicted, working to redress the causes of wrongful convictions, and supporting the exonerated after they are freed.

The Network is not a legal entity, and all of its members are independent from one another. The Innocence Project, Inc., a not-for-profit corporation based in New York City, is a founding member of the Network, serves as the headquarters of the Network, and owns and enforces rights in the “Innocence Project” trademark.

The Network is overseen by an Executive Board elected by Network member organizations and is staffed by the Network Support Unit, a department within the Innocence Project. The Network also has various working groups and committees (which include Membership, Amicus and Policy, Ethics and Best Practices, International, and Exonerate Support) that conduct much of the Network’s work and offer services to individual Network members.

Benefits of Network membership

1. **Access to other innocence organizations:** One of the primary benefits of Network membership is access to individuals and organizations who are participating in the same special and nuanced work. Network members communicate with and learn from one another via private email listservs, an Intranet platform, and an annual Network conference. Network members share their legal expertise, circulate relevant resources, provide consultation on cases, and offer other support to one another.
2. **Services from the Network Support Unit (NSU):** The NSU is housed within the Innocence Project and helps facilitate the work of the Network. The NSU also offers support and coaching to individual US-based Network member organizations related to organizational development issues such as fundraising, governance, and strategic planning. In addition to these customized trainings and other one-on-one support, the NSU creates resources addressing issues of interest to all Network members, including this guide.
3. **Use of the “Innocence Project” trademark:** The name “Innocence Project” is a federally-registered trademark owned by the Innocence Project, Inc. The Innocence Project, Inc. grants use of the trademark, through a license agreement, to the members of the Network that seek to use the term “Innocence Project” as part of their legal name, or otherwise use the mark. In

order to use the “Innocence Project” name or trademark, organizations must apply to and be accepted in the Network, and sign the license agreement. In some special cases, and in the sole discretion of the Innocence Project, Inc., permission to use the mark may be granted to organizations that are not members of the Network, or may not be granted to a particular member in the Network.

4. **Access to the Edmondson Walking Fund:** The NSU administers the Edmondson Walking Fund, which is a grant that provides \$2,000 to all exonerees represented by Innocence Network member organizations. The funds come with no strings attached, and are intended to offer immediate support to the exoneree in the days following his/her exoneration.
5. **Discounted registration rate for the annual Innocence Network Conference:** While the conference (which is organized by the NSU, members of the Network, and the Innocence Project) is open to the public, all employees of Network member organizations are eligible for a discounted registration rate.

Obligations and requirements of Network membership

1. All Network members must agree to abide by the Memorandum of Understanding (MOU) that details the relationship between the Innocence Network and the Innocence Project. A copy of the MOU is available to applying members upon request.
2. All Network members must pay annual membership dues, which are currently set at \$250 per year. Most of these funds are used to cover costs related to exoneree attendance at the Network’s annual conference.
3. All Network members must submit an annual report survey. Each winter, the NSU sends out an online survey of about 100 questions pertaining to the work of each Network member organization. The Network uses this survey to assess the health and wellness of the Network, identify trends, and flag any particular member organizations that may require additional assistance from the NSU or other Network leaders.
4. Submission of other documents and information as requested is required.

Network Membership Criteria and Application Process

The criteria for Network membership eligibility can be found on the [membership page](#) of the Network’s website. Only organizations that meet the criteria will be considered for membership by the Network’s Membership Committee. Generally, in order to assess the group’s sustainability and work, the Committee will only review an application from an organization that has been up and running for at least six months. Organizations that apply before they have begun their work, or during the first few months of their existence, may be asked to re-apply at a later date. Of course, the NSU is available to provide guidance throughout the membership application process.

In reviewing the membership criteria, please pay particular attention to the section regarding “substantial resources.” The Network has learned that the “substantial resources” criterion is critical to the assessment of an applicant organization’s ability to perform and sustain the work of the organization at an adequate level.

Application Process:

1. Organizations interested in applying for Network membership should first reach out to [Norah Scanlan](#), Innocence Network Operations Associate.
2. Organizations interested in applying for Network membership in a state or jurisdiction that already has Network coverage must contact the Network members in that state or jurisdiction to discuss how to collaborate on casework, fundraising, and policy work. Partnerships can take a variety of forms. Some Network members serve as a screening organization for other innocence organizations within their state: they receive all requests for assistance and assign cases to their partner organizations that carry out the investigation and litigation. Other states divide their casework geographically or by type of cases accepted. Some states have several organizations whose work is overseen by a larger Network member organization.
3. After discussion with the other organizations in their state/ jurisdiction, organizations who wish to continue their application to the Network must fill out and submit a [membership application form](#). Please note that you must include a copy of your organization's budget, a description of your casework, and resumes for appropriate staff and board members as a part of your application materials.
4. The Network's Membership Committee will review the initial application and respond with additional questions as needed.
5. If the Membership Committee approves the initial application, applying organizations then have six months to create and submit a series of required Ethics and Best Practices documents. For international organizations, a member of the Network's International Committee may be able to assist in the creation of these documents. If the Ethics and Best Practices documents are not received and approved within six months, the applying organization must re-apply for membership.
6. Once all Ethics and Best Practice documents are received and approved, the Membership Committee will recommend to the Network's Executive Board the acceptance of your organization.
7. If the Network Executive Board votes to approve your application, you will become an official member of the Innocence Network.
8. Organizations that wish to use the trademark "Innocence Project" will work with a member of the Innocence Project's staff to obtain a license to use the trademark.
9. All incoming Network members are expected to pay their annual dues around the time of their acceptance. Dues are prorated to the time of year an organization joins the Network.

Innocence Network Contacts

For general questions regarding the Innocence Network, the application process, or the Innocence Project's trademark agreement, contact Norah Scanlan from the Network Support Unit at nscanlan@innocencenetwork.org or (212) 364-5370.

For specific questions regarding establishing innocence organizations housed within a law school, contact Justin Brooks, director of the California Innocence Project at jpb@cwsl.edu or (619) 525-1485.

For specific questions regarding establishing a stand-alone nonprofit organization, contact Seth Miller, director of the Florida Innocence Project at smiller@floridainnocence.org or (850) 561-6767.

For specific questions regarding establishing an innocence unit within a public defender office, contact Lisa Kavanaugh, director of the Committee for Public Counsel Services, Innocence Program at lkavanaugh@publiccounsel.net or (617) 623-0591.