CARRICK INSTITUTE: DISCIPLINE BASED INITIATIVES

Work Integrated Learning: A national framework for initiatives to support best practice

Griffith University

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<table>
<thead>
<tr>
<th>Vignette title and details</th>
<th>Griffith University Innocence Project Legal Clinical Program One semester – 6 months with option for selected students to continue for a second semester. Undergraduate</th>
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<tbody>
<tr>
<td>Discipline</td>
<td>Law</td>
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<tr>
<td>Employment sector</td>
<td>Education/Criminal Law</td>
</tr>
<tr>
<td>Student numbers</td>
<td>20</td>
</tr>
<tr>
<td>Optional/compulsory</td>
<td>Optional – students elect to take the subject in 4th or 5th year law.</td>
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<tr>
<td>Credit bearing</td>
<td>The course is worth 10 credit points towards a law degree.</td>
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<td>Assessment</td>
<td>Assessment is based on both individual Innocence Project work and group/team documentary case file management, evenly weighted. The assessment sometimes additionally involves a Reflective Journal.</td>
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<td>Payment</td>
<td>Students are not paid. Students participate in the Innocence Project clinical program as part of a law degree. All work is undertaken on a pro-bono basis.</td>
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<td>Number of staff involved</td>
<td>1 academic staff 2 pro bono instructing counsel 1 administrative assistant Executive Committee: 7 members Advisory Board: 9 members</td>
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<tr>
<td>Weblink</td>
<td><a href="http://www.griffith.edu.au/innocenceproject">http://www.griffith.edu.au/innocenceproject</a></td>
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Overview

The Griffith University Innocence Project is a pro-bono project which brings together lawyers, academics and law students to work together to assist innocent people who have been wrongly convicted in Australia.

Applicants must have a claim of factual innocence and the permissible appeal period must have expired. The Project takes on cases where initial investigations support inmates’ assertions that they have been wrongly convicted and where innocence may be established through the use of DNA technology.

The Project was co-founded in 2001 by Chris Nyst and Jason Murakami of Nyst Lawyers and Lynne Weathered of Griffith Law School. It was the first Innocence Project for Queensland, with its ambit also extending to other states in Australia. It provides a unique resource for the wrongly convicted. The Project is essentially a last resort for applicants who having been convicted at trial and having lost their appeal - are still proclaiming their innocence.

Students of the Project gain a greater understanding of the strengths and weaknesses of the criminal justice system of this and other jurisdictions while learning new case file management skills. The mission statement of the Innocence Project, notes our essential goals:

Griffith University Innocence Project is committed to freeing innocent persons who have been wrongly convicted. By working to correct failures in our criminal justice system, the Project will foster an Australian legal culture that champions the defence of the innocent, and protects the marginalised and oppressed. Through working with law students, the Project will invest in lawyers of the future who uphold the values of truth in justice.

The Project is guided by an Executive Committee and an Advisory Board and is internationally recognised.

Structure of program

The Griffith University Innocence Project enrols an average of 8-10 students per semester. A two-day intensive workshop prior to the beginning of the semester provides students with the foundations they need to undertake their case work. Students are allocated into teams to work on specific claims of wrongful conviction. Acting under the supervision of the Director and on instructions from the lawyers, students amongst other things:

- review cases to determine if they fall within the ambit of the Project
- prepare inventories of materials in relevant cases and seek access to missing material
- prepare detailed summaries of relevant cases using precedents prepared by the Project
- seek to identify potential evidence which could be subjected to DNA innocence testing
- prepare observations and briefs to counsel where such evidence has been identified.

Weekly student instruction by specialist criminal lawyers, Nyst Lawyers, is a feature of the Project's investigative process. All professional case-management decisions are the responsibility of the lawyers involved but this does not amount to legal representation. The Project does not take on a solicitor/client relationship with applicants. Investigation is the predominant role of the Innocence Project and new evidence of innocence is the aim of such investigation. Cases may take years of investigation trying to access relevant information and DNA innocence testing, prior to any decision being made on whether there is sufficient fresh evidence of innocence to take the case to an appeal or pardon. If so, the Griffith Project will engage a pro bono lawyer to act on behalf of the applicant and will itself remain with the case assisting that solicitor or barrister.

Special features

Quality student learning is a fundamental goal of the Innocence Project. A small sampling of student reflections is offered below, suggesting success in this area:

- The opportunity to participate in the Innocence Project has been the single most eye-opening experience of my entire law degree, indeed my life...Ever since I was young, I wanted to study law because I believed that the law was about justice. As the years passed, and I graduated from high school, I applied to study law and was able to live my dream. During the six years that I have been studying law at university, I have
never been able to satisfy my thirst for justice, until I stepped into the room that day. Through this course, I have become wiser, more critical, more aware of the deficiencies of our justice system; and, most importantly, I have been able to satisfy my thirst for justice with the faith and optimism that, though a single person, I will be able to make a difference.

- The Innocence Project presented a unique and challenging opportunity to broaden personal understanding of the nature, causes and outcomes of wrongful conviction in Australia. Over the course of the Project, I have been continuously educated and have had personal views challenged concerning the adequacy and ability of the criminal justice system in Australia to ensure that individuals are not convicted of crimes that they have not committed.

- I have wanted to be involved with the Innocence Project since its inception because I have always had a keen interest in social justice and human rights...Now that I have completed the semester I feel that all that excitement and anticipation was just the beginning, during the semester I have learnt so much about the criminal justice system, and the type of lawyer that I want to be.

Future work
With the Project’s work being a first in this country, our activities were cutting-edge but required us to undertake an exhaustive time-consuming process to clarify the exact situation in Queensland and in most other states of Australia, regarding rights to DNA innocence testing and related issues such as access to information and preservation of evidence. The Project’s experience has highlighted a real need for criminal justice reform in these areas. As such, lobbying for legislative reform has become a major activity of the Innocence Project. Following consultation between State Attorney General Mr Kerry Shine and members of the Griffith University Innocence Project, the Queensland Government has now put together a working party to consider possible solutions to correcting wrongful convictions and for providing a framework for DNA investigations. If appropriate protocols are established, the facilitation of DNA exonerations will be achieved.

The Project has been overwhelmed with requests for assistance since its inception in 2001. Streamlining student work was necessary and this has been achieved through the production of an Innocence Project Manual, which outlines each step in the investigative process and provides students with examples and precedents to use for their case summaries, letters and other activities.