



Ohio Prosecuting Attorneys Association

***** PRESS RELEASE *****

For Immediate Release
August 25, 2020

CONTACT
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(614) 221-1266

Ohio Prosecuting Attorneys Association Announces Conviction Review Best Practices, Proposes Change to Rules of Professional Conduct

The Executive Committee of the Ohio Prosecuting Attorneys Association voted last week to approve a set of best practices for conviction review and to propose a change to Rule 3.8 of the Ohio Rules of Professional Conduct regarding the special responsibilities of a prosecutor.

The best practices for conviction review are intended as guidance to prosecuting attorneys in Ohio who are asked to review claims of wrongful conviction. They provide guidance on the adoption of specific policies and procedures to govern application, acceptance, investigation, and documentation of claims of wrongful conviction. They were developed by career prosecutors with extensive experience, are based on what Ohio prosecutors have learned from their own conviction review experiences, and include many best practices that are recommended by organizations like the Innocence Project and Fair and Just Prosecution.

The proposed change to Rules of Professional Conduct are based on the American Bar Association's Model Rules of Professional Conduct regarding the special responsibilities of a prosecutor as a minister of justice. The proposal would make clear an ethical obligation that prosecutors already recognize and practices that they already undertake regarding new, credible, and material evidence of a convicted defendant's innocence.

"A lot of attention has been given to Chief Justice O'Connor's creation of the Task Force on Conviction Integrity and Post-Conviction Review. These are issues that Ohio prosecutors have been sensitive to and been studying for much longer" said Executive Director Louis Tobin. While the best practices discuss the creation of "Conviction Review Units," Tobin said that "they can also be used by smaller counties looking for guidance on critical issues to consider when reviewing individual case files."

"Prosecutors take their role as a minister of justice very seriously. These guidelines and recommendations further our recognition that our responsibilities extend to the defendant as well as the state and that we have an obligation to ensure that defendants are accorded justice" added OPAA President, Juergen Waldick.

The Ohio Prosecuting Attorneys Association was founded in 1937, as a private non-profit corporation, for the benefit of the 88 elected prosecutors in Ohio. The organization seeks to increase the efficiency of its members in the

Appendix A
Press Release, Louis Tobin,
Aug. 25, 2020

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pursuit of their profession; to broaden their interest in government; to provide cooperation and concerted actions on policies which affect the office of Prosecuting Attorney, and to aid in the furtherance of justice. The association presents statewide continuing legal education programs regarding all aspects of the county prosecuting attorney's responsibilities.

SECRET

Appendix B

Response from Chief Justice O'Connor,
Sept. 15, 2020

The Supreme Court of Ohio

65 SOUTH FRONT STREET, COLUMBUS, OH 43215-3431

CHIEF JUSTICE
MAUREEN O'CONNOR

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September 15, 2020

Mr. Lou Tobin, Esquire
Executive Director
Ohio Prosecuting Attorneys Association
196 East State Street | Suite 200
Columbus, Ohio 43215

Dear Mr. Tobin:

I understand that the Ohio Prosecuting Attorneys Association has elected not to participate in the Task Force on Conviction Integrity and Post-Conviction Review.

I find the decision unfortunate as the voice of the prosecuting attorneys of Ohio has always been welcome on task forces created by the Chief Justice.

I realize the OPAA has drafted their own proposal regarding the subject matter and made recommendations to Professional Rule 3.8. I appreciate that your members have a perspective as do the other members of the Task Force. Like many subjects that are sought to be examined and recommendations made, the inclusion of all points of view is essential for an intelligent, thorough, and respectful vetting of the subject at hand. Often listening to only one point of view can ignore vital considerations.

The legitimacy of the Task Force's inquiry into matters of criminal justice cannot seriously be questioned. I see no separation of powers issues regarding a Task Force studying the subject of conviction integrity and post-conviction review. Assuring that the processes by which a person is convicted, and post-conviction proceedings occur go to the very essence of the judiciary's duties.

I know that I speak for all members of the Task Force when I say that it is hoped that the OPAA reconsiders its position and joins in discussions that will be of benefit to not only

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the Task Force members but to the people of Ohio.

Sincerely,

A handwritten signature in cursive script, appearing to read "Maureen O'Connor".

Maureen O'Connor
Chief Justice of Ohio

cc: Members of the Task Force on Conviction Integrity and Postconviction Review