

JAMIE THEODORE LAU

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EDUCATION

DUKE UNIVERSITY SCHOOL OF LAW, Durham, NC

Juris Doctor, *cum laude*, May 2009

LEHMAN COLLEGE, Bronx, NY

Master of Science in Mathematics Education 7-12, June 2005

UNIVERSITY OF CALIFORNIA, BERKELEY, Berkeley, CA

Bachelor of Arts in Economics, with distinction, May 2002

Minor: Education, May 2002

BAR ADMISSIONS

- North Carolina
- U.S. Supreme Court
- U.S. Court of Appeals, 4th Circuit
- U.S. District Court, WDNC
- U.S. District Court, EDNC
- U.S. District Court, MDNC

MEMBERSHIPS

- American Bar Association
- North Carolina Advocates for Justice
- Durham County Bar Association
- National Association of Criminal Defense Lawyers

RELEVANT PROFESSIONAL EXPERIENCE

CENTER FOR CRIMINAL JUSTICE AND PROFESSIONAL RESPONSIBILITY

DUKE UNIVERSITY SCHOOL OF LAW, Durham, NC

July 2012 - Present

Deputy Director (September 2021-Present)

Clinical Professor of Law (Teaching) (2020-Present)

Associate Clinical Professor of Law (Teaching)(2016-2019)

Lecturing Fellow (2012-2016)

Courses Taught:

- Pretrial Criminal Litigation (Fall semester 2017-2023, Law 425)
- Wrongful Convictions Clinic Seminar (Fall and Spring semester each year, Law 493)
- Advance Wrongful Convictions (Fall and Spring semester each year, Law 494)
- Readings in Social Justice: Mass Incarceration (Spring 2018, Law 611.14)
- Readings in Social Justice: The Implications of the Water Crisis in Flint, MI (Fall 2016, Law 611.04)

My responsibilities include supervising students investigating claims of innocence made by incarcerated people for crimes occurring in North Carolina, litigating post-conviction innocence cases in state and federal court, and co-teaching the Wrongful Convictions Clinic seminar with Professor James Coleman. Throughout the litigation of cases, I work closely with students. Under my supervision, students investigate innocence claims, develop legal arguments, draft pleadings, and prepare for hearings, including preparing witness and arguments on (for example) the admissibility of evidence.

In addition to my direct representation and teaching, I work with North Carolina criminal justice organizations to promote reforms that reduce the number of wrongful convictions and make it easier to litigate post-conviction innocence cases. I also regularly consult with attorneys representing clients in post-conviction regarding procedural and substantive barriers that they are likely to face while litigating their cases. Each year I assist in the planning of the Center's annual "Whiskey in the Courtroom" CLE, which prepares criminal defense attorneys to litigate cases involving forensic science evidence. This year was our 8th Whiskey in the Courtroom event.

In 2021, I prepared an application for a federal grant that resulted in a \$300,000 award for the Center for Criminal Justice and Professional Responsibility to hire a two-year clinical fellow. In 2013, I was the primary writer of a grant that secured \$250,000 in federal funding for the Wrongful Convictions Clinic to litigate post-conviction cases.

NC CLEMENCY PROJECT

January 2020 – Present

Organizer and Volunteer Attorney. Oversee students reviewing cases of incarcerated people who have served more than 25 years in prison with few infractions or people incarcerated as adult offenders for crimes occurring when they were juveniles. Under my supervision, students prepare clemency requests that include a summary of the person's record while incarcerated, post-release housing and employment plan, and support letters. Students have helped secure the release of five clients – three releases through the Parole Commission, one release after a negotiated sentence modification with the local district attorney, and the final release after a sentence commutation from North Carolina Governor Roy Cooper on March 10, 2022. The Governor granted three sentence commutations on March 10, 2022, which were the first commutations in the State since January 2009.

CLEMENCY PROJECT 2014

January 2016 – January 2017

Volunteer Attorney. Oversaw students reviewing eligibility of people incarcerated for clemency under criteria established by the U.S. Department of Justice. Under my supervision, students drafted memoranda detailing the person's original sentence, the sentence the person would likely receive if sentenced for the same crime today, and additional factors considered by the DOJ's Pardon Attorney. If the person met the criteria set by the DOJ, students prepared a clemency request to submit to the Office of the Pardon Attorney. This project resulted in three people receiving clemency from President Barack Obama before his term ended.

NORTH CAROLINA INNOCENCE INQUIRY COMMISSION

January 2010 – June 2012

Staff Attorney. My responsibilities at the Commission included investigating post-conviction claims of innocence with a focus on homicide and forcible rape cases where DNA testing may establish the claimants' innocence. I was the lead investigator in State v. Kagonyera, a post-conviction homicide case that resulted in the exoneration of two individuals following eleven years of wrongful incarceration, and State v. Willie Grimes, a post-conviction rape case that resulted in the exoneration of Mr. Grimes following 25 years of wrongful incarceration. Three other codefendants were also exonerated in State v. Kagonyera largely due to the investigation I led. I also advised the Commission's Executive Director on the scope of the Commission's statutory authority, prepared and defended motions in court, and took depositions.

NOTABLE INVOLVEMENT IN EXONERATIONS

- State v. Willie George Shaw, Mecklenburg County, NC
Lead Counsel. Shaw was exonerated in January 2021 after six years of wrongful incarceration. His exoneration followed a three-day evidentiary hearing demonstrating his innocence. The evidentiary hearing was paused after three days and never completed because the State reviewed the evidence presented and joined with the Clinic in asking the court to vacate Shaw's conviction.
- State v. Ronnie Wallace Long, Cabarrus County, NC
Lead Counsel. Long was exonerated in August 2020 following more than 44 years of wrongful incarceration. A federal habeas corpus petition was granted following several years of federal court litigation, including oral arguments before the United States Court of Appeals for the Fourth Circuit sitting *en banc*. Long v. Hooks, 972 F.3d 442 (4th Cir. 2020) (*en banc*).
- State v. Charles Ray Finch, Wilson County, NC
Lead Counsel – State Court. Finch was exonerated in May 2019 after 43 years of wrongful incarceration. I was lead counsel for Mr. Finch during state court proceedings, including a 2013 state court evidentiary hearing. The state court denied relief and Prof. James Coleman and students under his supervision represented Mr. Finch in federal court. In January 2019, based on the state court record, the United States Court of Appeals for the Fourth Circuit held that Mr. Finch had established his actual innocence. Finch v. McKoy, 914 F.3d 292 (4th Cir. 2019).
- State v. Howard Dudley, Lenoir County, NC
Lead Counsel. Dudley was exonerated in May 2016 following more than 24 years of wrongful incarceration. I was lead counsel at the state court evidentiary hearing where, at the conclusion of the hearing, the Honorable Judge W. Douglas Parsons vacated Dudley's sentence and ordered him released immediately.
- State v. Noe Moreno, Mecklenburg County, NC
Co-Counsel. Moreno was exonerated in August 2012 after five years of wrongful incarceration.
- State v. Willie Grimes, Catawba County, NC (25 years of wrongful incarceration)
- State v. Kenneth Kagonyera; State v. Robert Wilcoxson, Buncombe County, NC (Co-Defendants each wrongly incarcerated for 11 years)

My involvement in the Willie Grimes case as an investigator for the North Carolina Innocence Inquiry Commission is documented in the *Ghost of the Innocent Man: A True Story of Trial and Redemption*, which was authored by Benjamin Rachlin and published in August 2017 by Little, Brown, and Company.

Ronnie Long, Charles Ray Finch, and Howard Dudley all received Pardons of Innocence from Governor Roy Cooper.

ADDITIONAL PROFESSIONAL EXPERIENCE

COMMUNITY ENTERPRISE CLINIC

August 2009 – October 2009

DUKE UNIVERSITY SCHOOL OF LAW, Durham, NC

Bridge to Practice Fellow. Designed performance measurement tool for use by local non-profit corporations to assess their impact on a variety of quality of life indicators in low-income neighborhoods. Led a participatory research project to assess the effectiveness of identified community development corporations in North Carolina.

MASSACHUSETTS ATTORNEY GENERAL'S OFFICE

June 2008 – August 2008

CONSUMER PROTECTION DIVISION, Boston, MA

Intern. Drafted complaint alleging that two attorneys intentionally deceived homeowners through a foreclosure rescue scheme, causing the homeowners to lose their home and equity interest in the home. Researched and drafted memorandum on whether sanctions under Rule 11 of the Federal Rules of Civil Procedure were warranted following a loan servicer's misrepresentations in court.

CHILDREN'S EDUCATION LAW CLINIC

May 2007 – August 2007

DUKE UNIVERSITY SCHOOL OF LAW, Durham, NC

Intern. Equal Justice Works Summer Corp Member. Argued school discipline case before a local school board, which resulted in a 140-day reduction in my client's suspension. Negotiated compensatory education services for low-income students whose individual education plans were not followed by local school districts.

NEW YORK CITY DEPARTMENT OF EDUCATION

September 2002 – June 2006

MS 232/REGION 1, Bronx, NY

Lead Mathematics Coach (September 2005 – June 2006). Directed mathematics professional development for instructors in a network of eleven public schools.

Mathematics Coach (September 2004 – August 2005). Directed mathematics professional development.

Eighth Grade Teacher (September 2002 – August 2004). Taught middle school mathematics at M.S. 232.

SELECT PRESENTATIONS

Post-Conviction Litigation in Federal Courts: Strategies for Overcoming AEDPA

Innocence Network Conference, New Orleans, LA

March 2024

Panelist discussing the statutory framework of the Anti-Terrorism and Effective Death Penalty Act and ways to overcome the numerous obstacles erected by the statute to obtain post-conviction relief for clients.

Let's Talk About The Wrongful Conviction of Ronnie Long

A Long Talk About the Uncomfortable Truth,

February 2024

Invited by A Long Talk to discuss the Ronnie Long case and broader lessons learned from the litigation of a case from the South in 1976, including the pervasive racism that played a role in his conviction and the long fight to regain his freedom. A Long Talk is a nationwide, anti-racism organization that provides training throughout the country and also offers an online speaker series.

Exonerating the Wrongfully Convicted

Sacramento State University Renaissance Society, Sacramento, CA April 2022
Invited to speak about wrongful convictions as part of speaker series described as “highly acclaimed and high-profile speakers addressing current topics of special interest.” My presentation focused on the systemic flaws leading to wrongful convictions and the difficulties exonerees face once free.

Race, Innocence, and the End of the Death Penalty Distinguished Speakers Series

University of North Carolina, Chapel Hill, NC April 2016 & March 2022
Invited to speak twice to students and members of the public as part of distinguished speakers series. My April 2016 presentation highlighted likely wrongful convictions cases to bring recognition to innocent people who remain incarcerated. My March 2022 presentation focused on the Wrongful Convictions Clinic’s litigation in the Dontae Sharpe and Ronnie Long cases.

The Fifth Amendment and Why You Should Not Talk to Police

Duke Law School, Durham, NC February 2021
Panel discussion with Regent University School of Law Professor James Duane about why it is in a suspect’s best interest not to speak with criminal investigators.

Voices of Diversity: Justice and Mass Incarceration

Des Moines Area Community College, Des Moines, IA January 2021
Virtual presentation focused on wrongful conviction and exoneration of Ronnie Long, including its broader lessons for the criminal justice system and mass incarceration.

Exoneree Support: Navigating Client Conversations on Compensation, Civil Suits and Managing Expectations

Innocence Network’s Southeast Regional Summit, New Orleans, LA December 2019
Co-presenter of session discussing best practices for supporting exonerees interested in pursuing civil litigation, including assistance with selection of counsel and managing expectations.

Demystifying Federal Post-Conviction Work

North Carolina Advocates for Justice Annual Conference, Wilmington, NC June 2019
Co-presenter on the topic of post-conviction litigation in federal courts. Presentation focused on procedural obstacles to federal court litigation and strategies to overcome these obstacles to ensure the court decides the merits of a client’s post-conviction claims.

History, Politics, & Social Justice Spring Colloquium

Winston-Salem State University, Winston-Salem, NC January 2019
Presented at Winston-Salem State University’s annual colloquium attended by students, faculty, and community members. Presentation focused on the wrongful conviction of Ronnie Long, including the discriminatory practices pervasive at the time of his 1976 conviction that led to the selection of an all-white jury and resulted in racial discord throughout the community following the guilty verdict.

Post-Conviction Litigation

Henderson County Bar Association, Hendersonville, NC October 2018
Presentation to members of the Henderson County Bar focusing on post-conviction litigation, including investigating post-conviction claims and filing motions for appropriate relief in North Carolina courts.

Open-File Discovery as a Tool to Prevent Wrongful Convictions

Taipei Bar Association, Taiwan

July 2018

Co-presenter outlining differences in criminal discovery practices between North Carolina courts and federal courts. The different discovery practices were used to explore whether open-file discovery prevented wrongful convictions, and several wrongful convictions cases were highlighted to show possibility that additional disclosure could have prevented the conviction of an innocent defendant.

Police Misconduct and Criminal Justice Reform

NC NAACP Romallus O. Murphy CLE, Raleigh, NC

October 2017

Co-presenter outlining the challenges to post-conviction litigation in North Carolina and possible reforms to improve the process for inmates seeking relief from their convictions.

Wrongful Convictions Symposium,

Guilford College, Greensboro, NC

February 2017

Member of panel discussing wrongful convictions, the ability to challenge convictions based on innocence, and the difficulties exonerees face after their innocence is established.

In the Interest of Justice: Conviction Review Programs

Santa Clara University, Santa Clara, CA

September 2015

Member of panel discussing unique process in North Carolina for exoneration through the Innocence Inquiry Commission, which is the only state agency in the United States dedicated to investigating post-conviction innocence claims.

COMMITTEES AND BOARD MEMBERSHIP

Innocence Network Executive Board Member

April 2021 – Present

Co-Vice President

Elected by Innocence Network member organizations to serve a three-year term on the Executive Board. Elected Co-Vice President of the Executive Board in October 2023. The Executive Board is authorized to carry out the mission and initiatives of the Network by its 71 member organizations (59 U.S.-based organizations and 12 member organizations located outside the U.S.), including to provide oversight to Network committees, to review and assess Network membership applications, and to regularly review all member organizations.

North Carolina Prisoner Legal Services Board Member

March 2021 – Present

Elected to serve a three-year term on the Board of Directors for North Carolina Prisoner Legal Services. Prisoner Legal Services is a non-profit law firm dedicated to ensuring access to the courts for people incarcerated in North Carolina state prisons.

Duke University Coalition for Civic Engagement (UCCE)

Fall 2021 – Present

Appointed to represent the Duke Law Clinics on UCCE, which has a goal of strengthening and connecting new and ongoing civic engagement initiative across campus, including identifying strategies for fostering effective civic engagement opportunities for students, faculty and staff.

NCAJ Legal Affairs Committee

North Carolina Advocates for Justice

January 2017 – January 2021

Member of committee responsible for the development and advocacy of NCAJ positions on legal and ethical issues, including decisions on when NCAJ will participate in cases as amici.

Uniform Bar Examination Criminal Law Subcommittee

North Carolina Board of Law Examiners

Spring 2017 – Fall 2017

Member of committee responsible for developing state specific, criminal law training module that must be completed as a licensure requirement for individuals seeking admission to the North Carolina State Bar.

2017 Wrongful Convictions Day Planning Group

Innocence Network

Spring 2017

Member of group that helped set the direction, theme, and activities for Wrongful Convictions Day 2017.

NCAJ Legislative Committee

North Carolina Advocates for Justice

January 2016 – December 2016

Member of committee informing the legislative program of NCAJ by considering proposed and pending legislation and by developing NCAJ's legislative program.

NOTABLE MEDIA APPEARANCES AND ARTICLES

Guest, *Laura Coates Live*, CNN, February 6, 2024 (<https://bit.ly/3TVJoM1>).

Guest, *Clay Cane Show*, SiriusXM Urban View Radio, January 3, 2024.

Featured in *The Wages of Sin*, The Assembly, February 12, 2024 (<https://bit.ly/3PKGPds>).

Featured in *The Price of a Moral Panic*, The Assembly, August 28, 2023 (<https://bit.ly/3TXHBWU>).

Featured in *A Black Teen. A White Woman. A Life Sentence*; The Assembly, May 30, 2023 (<https://bit.ly/3TZYYX7>).

Featured in *Local Law Scholars Differ on How to Approach Actual Innocence Work, But Agree that Reticence Among Prosecutors to Reopen Cases is One of the Greatest Obstacles to Achieving True Justice*, IndyWeek, January 19, 2022 (<https://bit.ly/3rtHMdE>).

Author, *My 75-year-old Client Died in Prison. Gov. Cooper's Clemency Process Failed Him*, Raleigh News & Observer, December 20, 2021 (<https://bit.ly/3jKT8FW>).

Co-Author, *25 Years in Prison. \$45 as Compensation. NC is Failing the Wrongfully Convicted*, Op-Ed, Raleigh News & Observer, May 10, 2021 (<https://bit.ly/36nBNjy>).

Guest, *Good Morning Britain*, October 8, 2020

Co-Author, *Progress Made But A Lot More Needed to Free the Innocent*, Op-Ed, Independent Tribune, October 3, 2020 (<https://bit.ly/36iB96J>).

Guest, *CBS This Morning*, August 31, 2020 (<https://bit.ly/3KQ8eG7>) and July 17, 2020 (<https://bit.ly/3M9Phyo>).

Guest, *Wrongful Convictions Podcast*, July 29, 2020 (<https://bit.ly/37geYig>).

Co-author, *On clemency, North Carolina's Governor's Inaction Speaks Louder than Words*, Op-Ed, Raleigh News & Observer, July 13, 2020 (<https://bit.ly/3rt9ZRY>).

Guest, *Everyday Injustice Podcast*, April 3, 2020 (<https://bit.ly/3OhM4yQ>).

Guest, *Undisclosed Podcast*, appeared in four-part series featuring Ronnie Long's wrongful conviction, Spring 2018 (<https://bit.ly/37SYCvI>).

Featured in *Did a Prosecutor and Police Send an Innocent Teenager to Prison for Murder*, IndyWeek, January 7, 2015 (<https://bit.ly/3rpEcl1>).

AWARDS

2021 North Carolina Advocates for Justice Kelly Crabtree Award