

SETON HALL | LAW

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An Innocence-Centered View of New Jersey's Post-Conviction Jurisprudence
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Adele Bernhard

Distinguished Adjunct Professor of Law & Co-Director of Post-Conviction Innocence Clinic

New York Law School

Panel: 4

Adele Bernhard is a Distinguished Adjunct Professor of Law and Co-director of the Post-conviction Innocence Clinic at New York Law School. She holds a BA from New York University and a J.D. from New York University School of Law. Professor Bernhard became a public defender with The Legal Aid Society in the South Bronx in 1977. That work led to a stint directing a federally funded grant project designed to improve the quality of services provided by private attorneys assigned to criminal cases, to an appointment on the Appellate Division's Indigent Defense Organization Oversight Committee, and a faculty position at Pace Law School running a criminal defense clinic.

In the late 1990's and early 2000's, Professor Bernhard investigated the availability of compensation for wrongly convicted individuals and was surprised to find the absence of legal avenues of redress for many deserving individuals, a subject she covered in three important law review articles between 1998 and 2009.

Currently, Professor Bernhard is the co-director of the Post-Conviction Innocence Clinic (PCIC) at New York Law School. With her co-director, Gaynor Cunningham, and PCIC students, she represents a small number of clients who have convincing claims of innocence that cannot be established with DNA evidence alone.

The PCIC has reinvestigated numerous cases in New York, with some success. For example, in 2014, the clinic exonerated Tyrone Hicks, who was wrongly convicted of an attempted rape in the Bronx. The same year, the clinic convinced Judge Piampiano of the Rochester County Court to vacate Rene Bailey's conviction, in a decision affirmed by the Appellate Division, Fourth Department in 2016. Rene Bailey was convicted in 2001 of depraved indifference murder under the now controversial hypothesis of Shaken Baby Syndrome. The clinic also convinced the Brooklyn Conviction Review Unit (CRU) to re-examine an arson case from 1980 where three men were wrongly convicted. The CRU moved to vacate the convictions of all three men in 2016. In 2019, Professor Bernhard and clinic students succeeded in overturning the 1976 murder conviction of Keith Bush, who has been represented by the clinic for 13 years.

Under Professor Bernhard's leadership, the clinic, in partnership with the Suffolk County District Attorney's Office's Conviction Integrity Bureau, was awarded a federal partnership grant in October 2019 to identify and investigate wrongful conviction claims.