

**JOHN ALLAN PRAY**  
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## **EDUCATION**

- University of Wisconsin Law School, JD 1986  
Cum Laude Graduate, Ray and Ethel Brown Award to Outstanding 2<sup>nd</sup> year student; Note and Comment Editor for Wisconsin Law Review.
- University of Georgia, MSW, 1980.
- University of Wisconsin—Eau Claire; BM, Magna Cum Laude, 1976.
- Cornell College, Mt. Vernon, Iowa, BA, 1971.

## **EMPLOYMENT**

- University of Wisconsin Law School, Frank Remington Center  
*Clinical Professor of Law, 2005 to present*  
*Clinical Associate Professor of Law, 1998 to 2005*  
*Clinical Assistant Professor of Law, 1992-1998*  
*Clinical Instructor, 1986-1992*  
*Co-Director, Wisconsin Innocence Project and Criminal Appeals Project, 1998 to 2012*  
*Director, Criminal Appeals Project, 2012*
- Wisconsin Department of Justice  
*Intern, Criminal Appeals Unit, 1985*
- Lutheran Social Services, Madison, WI  
*Social Worker, 1983*
- Allen Hall Residential Treatment Center, Madison, WI  
*Social Worker, 1981-1983*
- Youth Restitution Program, Madison, WI  
*Job placement specialist for juvenile offenders, 1980*
- Comprehensive Mental Health Center, Savannah, GA  
*Therapist and Assistant Director of Open Door, 1976-1978*

- Sunburst Youth Homes, Neillsville, WI  
*Recreation Coordinator for mentally disturbed youth, 1971-1973*

## **HONORS, COMMITTEES**

- Clinical Teacher of the Year Award*, Univ. Wisconsin Law School. 2010.
- Wisconsin Board of Bar Examiners*, Appointed member of the Board by Wisconsin Supreme Court, 2006 to present. Vice chair 2012.
- Thomas Cannon Equal Justice Metal*, Presented by Legal Aid Society of Milwaukee, 2008.
- Steering Committee*, National Innocence Network, 2003-2012, member of Membership Subcommittee, Chair of Victim Committee.
- William Gorham Rice Civil Libertarian of the Year*, American Civil Liberties Union of Wisconsin, March 27, 2004
- Leaders in the Law Award*, Wisconsin Law Journal, March 23, 2004.
- Madison Civics Club Award for Outstanding Work Promoting Justice*, January 25, 2003
- Lawyer of the Year*, Milwaukee County Bar Association, June 2001

## **TEACHING AND PRESENTATIONS**

### ***Law School and University Courses Taught (all at UW Law School):***

- Advanced Criminal Procedure: Representing the Criminal Appellant, 1997–present
- Selected Problems in Criminal Justice Administration: Claims of Innocence, 1998-2012
- Selected Topics in Sociology, The Law in Action (segment on Wrongful Convictions), 1999-2012
- Legal Assistance to Institutionalized Persons Program, 1986-present
- Introduction to Criminal Procedure, 1990-1992
- Introduction to Substantive Criminal Law, 1991

### ***Attorney Training and Other Professional Presentations:***

- Representing the Criminal Appellant*. Presenter at day-long CLE training by State Public Defender, Lake Geneva, WI May, 2012.

*Innocence Project Intake and Screening.* Innocence Network Conference, 2009-2011.  
Moderator and Panel Member.

·*Wrongful Convictions*, Half-day training session to Madison Police Academy, 2010-2012.

·*What Can the Criminal Justice System Learn from Exonerations?* University Roundtable,  
University of Wisconsin-Madison, March 10, 2010 (also February 11, 2004)

·*Working with Victims.* Innocence Network Conference, March 29, 2008, Santa Clara, CA.  
Panel Moderator for plenary session.

*Police Responses to Wrongful Convictions*, Wisconsin Problem-Oriented Leadership  
Institute for Chief Executives (POLICE), Madison, WI July 25, 2006 (also presented in  
2005 and 2004).

·*Inns of the Court Presentation*, Madison, WI March 15, 2006

·*Dane County Women's Law Association*, June 10, 2005

·*Marathon County Bar Association*, Law Day Keynote Speaker, April 28, 2005

·*Wisconsin Associations of Police Chief Midwinter Training*, Kohler WI March 11, 2005

·*Philanthropic Education Organization*, Madison, WI February 14, 2005

·*Law Enforcement Responses to Wrongful Convictions*, Police Executive Group, Fond du  
Lac, WI November 4, 2004.

·*Bascom Hill Society*, keynote address. Madison WI October 1, 2004.

·*Police Responses to Wrongful Convictions*, Wisconsin Problem-Oriented Leadership  
Institute for Chief Executives (POLICE), Madison, WI July 28, 2004

·*Innocence and the Criminal Justice System*, Sheboygan County Bar Association and  
Regional High School Mock Trial Teams, Sheboygan, WI, May 11, 2004

·*Wisconsin Innocence Project*, University of Wisconsin Retirement Association, April 27,  
2004

·*The Problem of Government Misconduct*, Panelist at National Innocence Project  
Convention, Austin Texas, April 24, 2004

·*Innocence and the Criminal Justice System*, Milwaukee Kiwanis Club, Milwaukee, WI  
March 31, 2004

- Innocence and the Criminal Justice System*, Distance Learning to students from several high schools, Pyle Center, University of Wisconsin, March 9, 2004 (Also presented on November 25, 2003)
  
- Innocence in the Criminal Justice System*, Ashland County Bar Association, Ashland, WI, February 19, 2004
  
- Innocence in the Criminal Justice System*, Rotary Club of Milwaukee, Milwaukee, WI, November 19, 2003
  
- Innocence in the Criminal Justice System*, West Madison Rotary Club, Madison, WI, June 7, 2003
  
- Innocence and the Death Penalty*, with former Illinois Governor George Ryan, Larry Marshall, Christopher Ochoa, and Jeanette Popp, Madison WI, April 28, 2003
  
- The Work of the Wisconsin Innocence Project*, Wisconsin Court Reporters Association Conference, Madison, WI, April 7, 2002
  
- The Wisconsin Innocence Project and the Ochoa Exoneration*, Seminar and all- school assembly, The University School, Milwaukee WI, March 2002
  
- Creative Litigation and Investigation Strategies*, panelist with Barry Scheck, Keith Findley, Linda Starr, Jacqueline McMurtrie, and Carmella Simoncini, Nation Innocence Projects Conference, San Diego, CA, January 19, 2002
  
- DNA and Genetic Testing Issues...Looking Beyond the Evidence*, 2001 Wisconsin State Bar Annual Convention Presidential Showcase, panel presentation with Keith Findley, Barry Scheck, and Peter Newfeld, Lake Geneva, WI, May 3, 2001
  
- The Wisconsin Innocence Project*, Dane County Bar Association Pro Bono Breakfast, Madison, WI, May 1, 2001
  
- The Wisconsin Innocence Project and the Christopher Ochoa Case*, Law Library Association of Wisconsin, Waukesha, WI, February 8, 2001
  
- Innocence and the Criminal Justice System*, Winchester Academy, WI, February 5, 2001
  
- How to Start an Innocence Project*, National Association of Criminal Defense Lawyers Midwinter Meeting, New Orleans, LA, February 25, 2000
  
- Media and the Work of the Wisconsin Innocence Project*, Wisconsin Media Relations Association, Madison, WI, December 2, 2000
  
- The Wisconsin Innocence Project*, Wisconsin Coalition Against the Death Penalty Annual Conference, Marquette University, Milwaukee, WI, October 9, 1999

·*Innocence Projects*, Wis. Public Defender Conference, Milwaukee, WI, Sept. 17, 1999

**Legislative Testimony:**

·Wisconsin Assembly Committee on Courts and Corrections, concerning AB 291 on postconviction DNA testing, March 1, 2000, and April 4, 2001

·Wisconsin Senate Judiciary Committee, on postconviction DNA testing, March 7, 2000

**PUBLICATIONS**

·Pray, John and Byron Lichstein, “*The Evolution Through Experience of Criminal Clinics: The Criminal Appeals Project at the University of Wisconsin Law School’s Remington Center.*” Mississippi Law Journal, Vol. 75 (2006).

·Pray, John and Keith Findley, “*Lessons from the Innocent,*” Wisconsin Academy Review, Vol 44, No. 4 (Fall, 2001).

·Pray, John, “Jail Sentence Credit.” Wisconsin Defender, Vol. 7 Issue 4 (Fall, 1999).

·Pray, John, *State v. Serebin, Causation and the Criminal Liability of Nursing Home Administrators,*” 1986 Wis. L. Rev, 339.

**BAR ADMISSIONS**

·Wisconsin Supreme Court, 1986

·United States Court of Appeals for the Seventh Circuit

·United States District Court, Eastern and Western Districts of Wisconsin 4/30/90

**SAMPLE APPELLATE CASES LITIGATED** (published decisions only):

-*State v. Shomberg*, 2006 WI 9, 288 Wis.2d 1, 709 N.W.2d 370 (*amicus curiae* brief on behalf of Wisconsin Innocence Project addressing standards for admission of expert testimony on eyewitness identification evidence)

·*State v. DuBose*, 2005 WI 126, 285 Wis. 2d 143, 699 N.W.2d 582 (*amicus* brief on behalf of Wisconsin Innocence Project, successfully urging Supreme Court to mandate that evidence obtained from showup identification is not admissible unless the showup was necessary).

*State v. Moran*, 2005 WI 115, 700 N.W.2d 884 (*amicus curiae* brief on behalf of Wisconsin Innocence Project addressing standards for obtaining postconviction DNA testing)

·*State v. Armstrong*, 2005 WI 119, 283 Wis. 2d 639, 700 N.W 2d 98 (*amicus* brief on behalf of Wisconsin Innocence Project successfully arguing the proper standard of proof for granting a new trial in light of newly discovered evidence).

·*State v. Jerrell C.J.* 2005 WI 105, 283 Wis. 2d 145, 699 N.W.2d 110 (*amicus* brief on behalf of Wisconsin Innocence Project successfully urging the Court to adopt the requirement that all interrogations of juveniles must be electronically recorded).

·*State ex rel. Booker v. Schwartz*, 2004 WI App 50, 270 Wis. 2d 745, 678 N.W.2d 361 (persons revoked on parole have the right to present newly discovered evidence of innocence in order to reopen revocation hearing).

·*State v. McDowell*, 2004 WI 70, 681 N.W.2d 500, (*amicus* brief on behalf of the Innocence Project and Wis. Association of Criminal Defense Lawyers, successfully urging the Court to adopt an ethical standard under which criminal defense lawyers may disclose suspected client perjury only when the client expressly states an intent to lie). (Co-counsel with Keith Findley).

·*State v. Sigarroat*, 2004 WI App. 16, 269 Wis. 2d 234, 674 N.W.2d 894 (whether one has the reasonable expectation to privacy in the trash placed in apartment dumpster).

·*State v. Pote*, 2003 WI App. 31, 260 Wis. 2d 426, 659 N.W.2d 82 (defendants retain the right to reject probation in favor of prison, and counsel is ineffective when—even at the instruction of his client—he fails to give any sentencing argument).

·*State v. Williams*, 2002 WI 1, 249 Wis. 2d 492, 637 N.W.2d 733, 2002 WI 1 (prosecutor's implicit reservations about a sentence recommendation constitutes a breach of the plea agreement).

·*State v. Kalk*, 234 Wis. 2d 98, 608 N.W.2d 428, 2000 WI App 62, Wis. App., Feb 23, 2000 (whether a conflict of interest exists when the prosecuting attorney represented defendant in a previous criminal case).

·*State v. Lettice*, 221 Wis. 2d 69, 585 N.W.2d 171 (Ct. App. 1998) (outrageous conduct by prosecutor at trial prohibits government from retrying case).

·*State v. Hobson*, 218 Wis. 2d 350, 577 N.W.2d 825 (1998) (abrogating common law right to use force to resist an unlawful arrest, but holding that due process and ex-post facto principles prevent retroactive application of new rule).

·*State ex rel. Jacobus v. State*, 208 Wis. 2d 39, 559 N.W.2d 900 (1997) (alcoholic can be properly charged with bail jumping for violating a condition of release to not consume alcohol).

·*State v. Carter*, 208 Wis. 2d 142, 560 N.W.2d 256 (1997) (resentencing court may consider positive new information about a defendant).

·*State v. Smith*, 207 Wis. 2d 259, 558 N.W.2d 379 (1997) (defendant need not prove he was prejudiced by counsel's failure to object to prosecutor's breach of a plea agreement).

·*State v. Brunton*, 203 Wis. 2d 195, 552 N.W.2d 452 (Ct. App. 1996) (concerning the burden of proof in postconviction motions based upon newly discovered evidence, and whether counsel can be ineffective for not asking defendant whether to poll the jury).

·*State v. Brulport*, 202 Wis. 2d 506, 551 N.W.2d 824 (Ct. App. 1996) (whether a soda bottle filled with common household chemicals is an “explosive” under the criminal code).

·*State v. Foster*, 191 Wis. 2d 14, 528 N.W.2d 22 (Ct. App. 1995) (improper jury instructions on voluntary intoxication).

·*State ex rel. Parker v. Sullivan*, 184 Wis. 2d 668, 517 N.W.2d 449 (1994) (holding that a novel Department of Corrections’ method of computing sentence is illegal).

·*Ashford v. Division of Hearings and Appeals*, 177 Wis. 2d 34, 501 N.W.2d 824 (Ct. App. 1993) (pertaining to the computation of sentences while out on parole).

·*State v. Grayson*, 172 Wis. 2d 156, 493 N.W.2d 23 (1992) (propriety of charging multiple counts of failure to pay child support).