

# OLWYN CONWAY

Phone: 614-247-7908  
conway.270@osu.edu

55 W. 12<sup>th</sup> Ave.  
Columbus, OH 43210

## TEACHING EXPERIENCE

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### **The Ohio State University Moritz College of Law**

**June 2017-present**

*Associate Clinical Professor of Law*

- Teach and supervise Criminal Prosecution Clinic (fall semester) and Criminal Defense Clinic (spring semester). Select and assign cases to third-year students certified as legal interns. Supervise student prosecution or defense of misdemeanor cases from arraignment through disposition. Appear as counsel of record in all cases. Conduct student case conferences, instruct in case preparation, and oversee all courtroom appearances. Teach seminar component which includes simulations, lectures, field trips, and facilitated discussions of the broader issues of the criminal justice system. Develop course curriculum and content.
- Teach additional courses including first-year skills course Effective Communication for Lawyers and upper-level seminar course on Restorative Justice.

### **Drexel University Thomas R. Kline School of Law**

**August 2016 to May 2017**

*Adjunct Faculty, Criminal Litigation Field Clinic*

- Taught the Criminal Litigation Field Clinic, a year-long course taught while employed as an Assistant Public Defender at the Defender Association of Philadelphia. Instructed and supervised a class of eight students certified as legal interns to appear in court under supervision. Developed syllabus and lesson plans for classroom lectures and discussions. Selected and assigned misdemeanor cases for student representation. Met individually with students each week to prepare for preliminary hearings and misdemeanor trials in Philadelphia's Municipal Court. Conferenced with and counseled students on all aspects of case and trial preparation including investigations, motions, witness examination, presentation of evidence, oral argument, and sentencing mitigation. Supervised all courtroom appearances by students and provided feedback.

## EDUCATION

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| <b>JD</b> | University of Pennsylvania School of Law<br><i>Gender Studies Certificate: "Why Are Women Different? Equal Protection Challenges to the Differential Treatment of Women in the American Penal System."</i><br><i>Journal of International Law: Senior Editor</i><br><i>Penn Environmental Law Project: Founder and Co-Chair</i><br><i>Community Legal Services of Philadelphia: Legal Intern</i><br><i>HIAS Immigration Services: Intern</i> | May 2009 |
| <b>BA</b> | Fordham University, Theatre Performance<br><i>Cum Laude</i>  | May 2004 |

Dean's List Scholar  
Minor in English  
Study Abroad, *Leiden University*, The Netherlands, 2006

## HONORS AND AWARDS

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**Alumni Award for Distinguished Teaching** **2020**

An annual award that recognizes a maximum of ten faculty members from the Ohio State University for their teaching excellence. The award includes induction into the Academy of Teaching. Nominations are submitted by students, faculty, and alumni. A selection committee reviews all nominations and bases award decisions on a review of a detailed letter from the department chair, the nominee's CV, and student evaluation forms from the previous three years. Several thousand professors are eligible for nomination each year.

**Summer Jackson-Healy Public Service Award** **2009**

The Award is presented by the Equal Justice Foundation to a graduate of Penn Law who has "demonstrated an outstanding commitment to public service." Awarded for work both before and during law school, for what was considered a "broad experience in public service that [was] almost unmatched among her peers."

**Pennsylvania Bar Association Public Interest Award** **2009**

**Best Oral Advocate, Harvard Animal Law Moot Court Competition** **2008**

The National Animal Law Competition, hosted by the Animal Law & Policy Program at Harvard Law School, is a collaboration between the Center for Animal Law Studies and the Animal Legal Defense Fund. Award given for the Appellate Moot Court competition.

## PROFESSIONAL EXPERIENCE

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**Defender Association of Philadelphia, Philadelphia, PA** **June 2010-May 2017**

*Assistant Defender*

- Regularly carried a caseload of forty to eighty major felony cases, approximately half of which were in the Family Violence and Sexual Assault Unit. Conducted all stages of case preparation: client interviews, investigations, witness preparation, motions research and litigation, negotiations and plea-bargaining, identifying and mitigating collateral consequences including immigration and sex offender registration, trial litigation, sentencing, and post-sentence motions.
- Represented clients in hundreds of bench trials in Municipal and Common Pleas Court. Litigated several jury trials, including charges of kidnapping, rape, aggravated assault, burglary, robbery, and weapons offenses.
- Completed a two-year rotation through nearly all stages of criminal defense: preliminary hearings, misdemeanor trials, felony bench trials, felony jury trials, juvenile court, motions court, and early resolution courtroom.
- Served as a Rotating Assistant Supervisor. Conducted trainings, observed attorneys in court and provided feedback, reviewed case files, and addressed client concerns.

**Pennsylvania Juvenile Indigent Defense Action Network      April 2010 to June 2010**  
*Consultant*

- Wrote and edited content for the Pennsylvania Juvenile Defense Notebook, a collaborative effort by JIDAN, the Juvenile Defenders Association of Pennsylvania, and the Defender Association of Philadelphia.
- Conducted research, produced draft chapters, revised and updated content, cite-checked sources.

**Superior Court of New Jersey, Criminal Division      September 2009 to March 2010**  
*Judicial Clerk to the Honorable William J. Cook*

- Conducted legal research and writing, and produced memoranda and draft opinions for municipal court appeals, felony motions to suppress, and motions to dismiss.
- Completed mediation training and mediated small claims and landlord-tenant disputes as part of the clerkship mediation program.

**Southern Poverty Law Center, New Orleans, LA      May 2008-August 2008**  
*Legal Intern*

- Advocated to decrease suspension and expulsion of minority students through IDEA class action litigation with SPLC's School-to-Prison Pipeline Reform Project.
- Enforced settlement agreement with school district representatives and drafted model cooperative agreement between schools and juvenile justice system.

**Ecuadorian Center for Environmental Law, Quito, Ecuador      May 2007-August 2007**  
*Legal Intern*

- Collaborated with the Ministry of the Environment to codify the Ramsar Convention (International Convention on the Protection of Wetlands) into Ecuadorian law.
- Planned international conference on alternative fuel development in Latin America.
- Translated and edited grant proposals and research papers (Spanish/English).

**PUBLICATIONS AND RESEARCH**

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*Grasping the Third Rail: Restorative Justice and Violent Crime* (Forthcoming Fall 2024).

This Article argues that restorative justice is currently misused by the American criminal system. Most jurisdictions, courts, and programs offering restorative justice as a response to criminal conduct do so only for low-level, nonviolent offenses. Yet restorative justice is most effective in addressing serious acts of harm. This Article dispels the persistent myths and misunderstandings that are driving the misuse of restorative justice and proposes several areas where it would be useful in meeting the needs of victims, offenders, and society. Ultimately this Article advocates its use to address violent crime, which has long been considered the "third rail" of restorative justice.

Co-Author with Kimberly P. Jordan, Lexis Nexis, *Anderson's Ohio OVI Law with Forms*, (forthcoming 2024).

Co-Author with Kimberly P. Jordan, Lexis Nexis *Anderson's Ohio Criminal Forms*, 2-volumes, 2023 Edition.

*Beyond Binary Thinking: Addressing the Biases That Threaten the Progressive Prosecution Movement*, *The Ohio State Journal of Criminal Law*, 19 *Ohio St. J. Crim. L.* 1 (2021).

In this article I consider the ways in which the adversarial nature of the criminal system produces cognitive biases that affect prosecutor decision making. These biases undermine the goals of the progressive prosecution movement by encouraging cynicism and binary thinking even among the most idealistic prosecutors. I argue that using restorative practices and restorative justice approaches can address some of these concerns and remove one impediment to the movement's promise.

*Are There Stories Prosecutors Shouldn't Tell?: The Duty to Avoid Racialized Trial Narratives*, 98 *Denv. L. Rev.* 457 (2021).

In this article I explore the power of narrative in criminal trials, particularly narratives invoking stock stories that present racialized stereotypes to the jury. Such narratives risk unwarranted convictions, decrease the legitimacy of the criminal system in the eyes of the public, and serve to condone and reinforce harmful stereotypes to the detriment of society. I argue that prosecutors—particularly those holding themselves out as “progressive prosecutors”—have a duty to exercise prosecutorial discretion to avoid putting denigrating racialized narratives into the public sphere. I explore various duties of the prosecutor that require the avoidance of such narratives, even where doing so may mean foregoing trial altogether. Ultimately the article critiques the color-blind approach to justice employed by many prosecutor offices and argues for prosecutors to both embrace a color-conscious approach to prosecution and encourage line prosecutors to exercise their prosecutorial discretion to further the aim of racial justice.

*“How Can I Reconcile with You When Your Foot Is on My Neck?”: The Role of Justice in the Pursuit of Truth and Reconciliation*, 2018 *Mich. St. L. Rev.* 1349 (2018).

I wrote this Article for a Symposium entitled, “Is it Time for a Truth and Reconciliation Commission Post-Ferguson?” The Article argues that alternative justice practices such as truth and reconciliation commissions risk impeding justice if not paired with formal justice practices that hold offenders accountable, particularly in cases of state-perpetuated violence such as police shootings of citizens of color. I explore the difficulties facing prosecutors who do pursue charges against police and argue that many of these difficulties stem from the commonplace actions of prosecutors in their everyday roles as partners with the police.

Observer/Facilitator, *Measuring Minimum Competence: New Lawyers in the Workplace*.  
**Institute for the Advancement of the American Legal System** and the **University of Denver**.

The Building a Better Bar Research Project is developing and convening focus groups to explore the knowledge and skills that new lawyers use in the workplace. The purpose of the research is to inform the definition of minimum competence required for licensing in the practice of law. The core team is meeting with NCBE and sharing preliminary research results to discuss ways in which the research might inform the work of the NCBE. The project was noted in the *ABA Journal Online* in a recent article discussing possible changes to the bar exam.

## PRESENTATIONS AND INVITED LECTURES

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**Presenter**, “Communication,” Barrister’s Leadership Program, Columbus Bar Association, February 8, 2024

**Presenter**, Status Workshop, Moritz College of Law Identity, Diversity, and Justice Program, August 11, 2023

**Presenter**, “Tell Me a Story: Creating and Communicating a Compelling Trial Narrative,” *Student Legal Services Regional Conference 2023*, March 2023

**Presenter**, Improv for Lawyering Workshop, Moritz College of Law Program on Law and Leadership, February 17, 2023

**Presenter**, “Failure is Always an Option: Applied Improvisation in the Law School Classroom,” *Student Workshop*, University of Pittsburgh School of Law, January 26, 2023

**Speaker**, “Failure is Always an Option: Applied Improvisation in the Law School Classroom,” *Presentation to the Faculty*, University of Pittsburgh School of Law, January 26, 2023

**Moderator**, “The Intersection of the 4<sup>th</sup> Amendment and Race,” The Ohio State Law Journal Symposium: *The Right of the People to be Secure: Modern Technology and the Fourth Amendment*, February 25, 2022

**Presenter**, Improv for Lawyering Workshop, Ohio State University Moritz College of Law Program on Law and Leadership, February 18, 2022  
This workshop used applied improvisation skills and techniques to help law students learn to think in the moment and respond to new information with confidence.

**Moderator**, “Programs for Formerly Incarcerated People,” The Ohio State Journal of Criminal Law Symposium: *The Three Ps of Re-entry: Penalties, Policies and Programs*, February 11, 2022

**Presenter**, Power Dynamics Workshop, Pre-Orientation Program, Moritz College of Law, August 2021

**Panelist**, Kyle Rittenhouse and Ahmaud Arbery Trials Roundtable Discussion, The Ohio State University Moritz College of Law, November 29, 2021

**Presenter**, “Racialized Trial Narratives,” The Ohio State University Moritz College of Law sponsored CLE, May 13, 2021

Feedback on the presentation included: “Original and thought-provoking presentation!” “If only all CLEs were like this one.” “This was a great presentation. If Professor Conway would be willing to share her slides, I would love to pass them on to my firm’s Diversity, Equity & Inclusion Committee.”

**Panelist**, “Prosecutorial Biases as a Catalyst for Systemic Racism,” Ohio State Journal of Criminal Law Symposium: *Prosecutorial Elections: The New Frontline in Criminal Justice Reform*, February 19, 2021

**Presenter**, “Applied Improvisation for Law Students” Moritz Program on Law and Leadership, February 18, 2021

**Moderator**, “Direct Legal Services,” Public Interest Law Foundation (PILF) in Practice, September 25, 2020

**Presenter**, “Are There Stories Prosecutors Shouldn’t Tell?,” Applied Legal Storytelling Conference, July 2019

**Co-Presenter**, “Teaching Empathy,” The Ohio State University Teaching Innovation Group, September 2018

**Guest Lecturer**, “Police Investigation,” Michigan State University College of Law (with Professor Catherine M. Grosso), April 2018  
Spoke on the state of prosecutorial reform and the intersection of prosecution, race and policing in a Criminal Procedure class focused on Police Investigation.

**Panelist**, “Truth-telling: Criminal Justice and Policing” Michigan State University College of Law, Michigan State Law Review Symposium: *Is it Time for Truth and Reconciliation in Post-Ferguson America?* March 2018

**Presenter**, “Transitions,” STEAM Exchange at The Ohio State University, February 2018. Presented on the justice deficit created by Truth and Reconciliation Commissions that forego prosecution in favor of amnesty or reconciliation.

**Guest Speaker**, “The Grand Jury System: State vs. Federal,” Columbus Inn of Court, November 2017  
Discussed adverse effects of grand jury system on criminal defendants and advocated for increased use of preliminary hearings to ensure judicial review of prosecutorial charging decisions and neutral determination probable cause.

## **PROFESSIONAL TRAINING**

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*2023 Criminal Justice Ethics Schmooze*, **Fordham Law School**, June 2023. Invited presentation of workshop article, *Grasping RJ’s Third Rails: Using Restorative Justice to Address Violent Crime*

*Affirmative Action and Equal Employment Opportunity Basics*, **Office of Institutional Equity at the Ohio State University**, September 2022

*Safe Zone Training*, Office of Student Life at The Ohio State University, July 2022

*Inside-Out Prison Exchange Program, International Instructor Training Institute of the Inside-Out Prison Exchange Program, June 2022*

*Trauma Informed Approaches in Restorative Justice & Healing Focused Practices, Center for Dialogue and Resolution, October 2021*

*Trauma Informed Restorative Approaches, National Association of Community and Restorative Justice, April 2021*

*Clinical Law Review Writer's Workshop, NYU Law School, September 2019. Presented and workshopped article, Are There Stories Prosecutors Shouldn't Tell? The Duty to Avoid Racialized Trial Narratives*

*"Elevating Justice: Widening the Circle," National Association of Community and Restorative Justice, June 2019*

*AALS Clinical Conferences, May 2017, 2018, 2019*

*Observer Training, Institute for the Advancement of the American Legal System and the University of Denver, July 2019*

*Community Restorative Circle Volunteer Trainings, Franklin County Restorative Justice Circles, November 2019, November 2018, June 2018*

*Human Subjects Research, Collaborative Institutional Training Initiative, April 2019*

*"How to Respond When Bias Manifests Itself in Our Classroom," The Kirwan Institute, April 2019*

*"Engaging All Students Through Small Group Learning," Moritz College of Law Teaching Innovation Group, (with Professor Sophie Sparrow, University of New Hampshire Law School), March 2019*

*"Generation Z Goes to Law School: Teaching and Reaching Law Students in the Post-Millennial Generation," Moritz College of Law Teaching Innovation Group, February 2019*

*Teaching Practices Inventory, The Ohio State University Teaching Support Program, 2018*

*"Global Unity and Healing: Building Communities with a Restorative Approach" Conference, International Restorative Justice Conference, June 2018*

*"Access to Justice," AALS Conference, January 2018*

*Ethics of Human Subjects Research Course, University of Denver*

*Human Subjects Protection Course, The Ohio State University*

*Trial Skills Training Program, Public Defender Association of Pennsylvania, 2013*

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#### **BAR MEMBERSHIP**

**Ohio Bar**, admitted 2017

**Pennsylvania Bar**, admitted 2009

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#### **PROFESSIONAL AFFILIATIONS**

**Ohio State Bar Association**, 2017 to present

**Ohio Domestic Violence Network**, 2017 to present

**Ohio Association of Criminal Defense Lawyers**, 2017 to present

**Criminal Law Inn of Court**, Pennsylvania, 2009-2010

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#### **PROFESSIONAL SERVICE**

**Leader**, Criminal Justice/Innocence and Family Law Clinician Crew, Membership, Outreach & Training Committee, AALS Clinical Section, 2023-2024 academic year

**Expert Declaration**, Motion for Remedies Pursuant to Penal Code Section 745 of the Racial Justice Act, *The People of the State of California v. Marvin Ward* in the Superior Court of California, October 2022

Provided declaration in support of the defendant's motion for remedies pursuant to California's Racial Justice Act addressing the role of implicit racial bias in juror decision-making and the negative effect anti-Black stereotypes and bias have on constitutional protections and safeguards in criminal cases involving Black defendants.

**Counsel for Amicus Curiae**, Amicus Brief of Professors of Criminal Law and Procedure in Support of Appellant David Hansard, *Supreme Court of Ohio*, July 2021

Supporting argument of defense counsel that Ohio's constitution affords greater protection than the federal constitution and urging the Ohio Supreme Court to reject *Whren* and find that racially-motivated pretextual traffic stops substantially impair the liberty, privacy and equality of Ohio's people while promoting no legitimate government interest.

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#### **ACADEMIC SERVICE**

**Presiding Officer**

Honor Council, The Ohio State University Moritz College of Law, Spring 2024

**Faculty Advisor**



If/When/How Student Group, 2023-2024

**Symposium Advisor**

*The Criminalization of Poverty*, The Ohio State University Law Review, February 2020

**Faculty Resource Advisor**

The Ohio State University Moritz College of Law, 2019-2020, 2022-2023

**Informal Faculty Advisor**

Public Defender Group, The Ohio State University, February 2019 to present

**Committee Work, Moritz College of Law**

**Member**, Appointments Committee (2022-2023, 2023-2024)

**Member**, Hiring Committee—Assistant Director of Inclusive Excellence and Student Success (February 2022)

**Member**, Hiring Committee—Assistant Director of Career Development (November 2021)

**Chair**, Hiring Committee, Legal Administrative Associate and Office Manager for Clinical Programs (August 2021)

**Member**, Diversity and Inclusion Committee (2021-2022)

**Chair**, Diversity and Inclusion Committee (2020-2021)

**Member** Hiring Committee, Divided Community Project Fellow (October 2020)

**Member**, Diversity and Inclusion Committee (2017-2019)

**COMMUNITY SERVICE**

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**Youth Education and Interventions Services**

Restorative Justice Circle Community Member, Columbus, Ohio, 2017 to present

**LANGUAGES**

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**English:** Native Language

**Spanish:** Intermediate Listener and Speaker, Intermediate Reading and Writing