

EJ Hurst II

Attorney and Counselor at Law

Admitted in North Carolina, Maryland,
and numerous federal courts nationwide
(not admitted in Kentucky)

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Professional Experience

April 2003
to Present

Law Office of EJ Hurst II

Federal Sentencing, Appeals, Custody, and Post-Conviction Litigation based from Durham, North Carolina

National solo practice advising attorneys and individual defendants at all stages of criminal prosecutions, from misdemeanor to capital offenses, from pre-charging to plea negotiation to sentencing and post-conviction.

Services include calculating and mitigating sentences under the Federal Sentencing Reform Act of 1987, using both the *advisory* United States Sentencing Guidelines (“USSG”) and statutory arguments; providing detailed defendant histories with creative sentencing and post-release alternatives; assisting defendants and attorneys with post-sentencing issues, including Federal Bureau of Prisons (BOP) security classifications, facility designation and transfers, drug abuse treatment (DAP/RDAP) and other programming requests, and administrative inmate remedies; requesting federal supervision transfer or early termination; litigating post-conviction and habeas corpus challenges to conviction, sentence, or conditions of confinement; and seeking records under the Freedom of Information Act (FOIA) and the Privacy Act.

June 2001 to
April 2003

Senior Case Developer, National Center on Institutions and Alternatives Alexandria, Virginia

Services included Federal and State post-conviction counsel, including preparation of detailed defendant histories and mitigation reports in misdemeanor, felony, and capital prosecutions; post-sentencing and custody assistance, especially involving Federal security classification, facility designation, programming options, transfers, and administrative remedies; and post-custody counsel, including supervision transfer.

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- Oct. 1998 to ***Law Clerk, Jefferson County Attorney's Office***
 Aug. 2000 ***Louisville, Kentucky***
 Legal and general research position including: pretrial witness interviews and preparation; prosecution development; attorney-supervised criminal motion and discovery practice; litigation preparation and trial support; written appellate advocacy; and policy and legislative advocacy research and drafting.
- May 1998 to ***Law Clerk, Legal Aid Society of Louisville (Kentucky), Housing Law Unit***
 Aug. 1998 ***Interest on Lawyers Trust Accounts ("IOLTA") Fellowship***
 Civil legal and general research position that included client intake interviews; legal memoranda research and drafting; apartment inspections; records requests under the Kentucky Open Records Act and Federal Freedom of Information Act (FOIA); litigation preparation and trial support.
- Sept. 1997 to ***Student Assistant, Brandeis School of Law Library,***
 May 2000 ***University of Louisville, Kentucky***
 Part-time position providing general patron and library management services; legal and general research for Law School faculty; and training new employees
- Apr. 1996 to ***Law Library Assistant, Brown, Todd & Heyburn PLLC***
 Apr. 1997 ***(now Frost, Brown, Todd PLLC)***
Lexington, Kentucky
 Records Management and Research position maintaining major law firm's twenty-year records archive, spread between three regional storage facilities; preparation of new records management database; & periodicals maintenance.

Practice Licenses and Professional Memberships

- Maryland State Courts (January 3, 2002)
- North Carolina State Courts (April 3, 2009)
- United States Court of Appeals, Fourth Circuit (December 13, 2013)
- United States Court of Appeals, Fifth Circuit (July 14, 2009)
- United States Court of Appeals, Sixth Circuit (July 27, 2018)
- United States Court of Appeals, Tenth Circuit (July 5, 2018)
- United States District Court, Eastern District of North Carolina (October 16, 2009)
- United States District Court, Middle District of North Carolina (November 2, 2009)
- United States District Court, Western District of North Carolina (September 9, 2015)
- United States District Court, District of Colorado (March 17, 2008)
- United States District Court, District of North Dakota (March 21, 2013)
- United States District Court, District of Columbia (November 7, 2016)
- Fourteenth Judicial District Bar (Durham County, North Carolina), Member
- National Association of Criminal Defense Lawyers (NACDL), Member

Public Service

Member, Corrections Committee, National Association of Criminal Defense Lawyers

Member, Sentencing Committee, National Association of Criminal Defense Lawyers

Author and Host, The BOP FOIA Project (<http://www.victorvillefoia.org/>)

Website regarding public records from the U.S. Bureau of Prisons (BOP)

Presenter, “Federal Sentencing: Laws, Legislation, and Nuance,” Lawline.com Online Continuing Legal Education (March 22, 2010).

Presenter, Public Defender Service for the District of Columbia, Criminal Defender Training Program, Summer Series, “Navigating the Murky Waters of the BOP: Advocating for the Best Possible Placement and Designation for Your Clients,” June 5, 2008.

Education

Sept. 2000–Sept. 2001 *L’Etude de droit fondamental français*
(*Studies in Fundamental French Law (non-degreed)*)
Université de Montpellier I, Faculté de Droit, Montpellier, FRANCE

May 2000 *Juris Doctor*
Louis D. Brandeis School of Law
University of Louisville, Kentucky, USA

May 1993 *Bachelor's of Arts in Political Science*
Transylvania University, Lexington, Kentucky, USA

Publications

- July 28, 2018 “Trump’s cult followers too often mistake debate for bullying,” Lexington Herald-Leader (kentucky.com), <https://www.kentucky.com/opinion/op-ed/article215682460.html> .
- Jul 10, 2018 “Journalistic imprecision contributes to criminal-justice myths,” Lexington Herald-Leader (kentucky.com), <https://www.kentucky.com/opinion/op-ed/article214645775.html> .
- June 1, 2018 “Educating inmates makes us safer than prison alone. And it’s cheaper.” Lexington Herald-Leader (kentucky.com), <https://www.kentucky.com/opinion/op-ed/article212389529.html> .
- April 20, 2018 “Federal prisons are not economic engines,” Lexington Herald-Leader (kentucky.com), <https://www.kentucky.com/opinion/op-ed/article209509889.html> .
- March 20, 2018 “National Lawyers Need National Licensing For National Courts,” Law360, <https://www.law360.com/articles/1022922/national-lawyers-need-national-licensing-for-national-courts> .
- November 22, 2017 “Prison privatization is never the right answer,” Lexington Herald-Leader (kentucky.com), <https://www.kentucky.com/opinion/op-ed/article186136993.html> .
- September 15, 2017 “Elected judges are bad for the republic and the law,” Lexington Herald-Leader (kentucky.com), <https://www.kentucky.com/opinion/op-ed/article173628976.html> .
- July 17, 2017 “Ignore, report internet trolls to encourage real debate, civility,” Lexington Herald-Leader (kentucky.com), <https://www.kentucky.com/opinion/op-ed/article161733393.html> .
- July 7, 2017 “Why Trump voter fraud commission should go through bureaucratic wringer,” The Hill (online), <http://thehill.com/blogs/pundits-blog/the-administration/340950-why-trump-voter-fraud-commission-should-go-through> .
- June 27, 2017 “How the fractured media landscape is fueling the resurgence of white nationalists,” The Hill (online), <http://thehill.com/blogs/pundits-blog/media/339686-how-the-fractured-media-landscape-is-fueling-the-resurgence-of-white> .
- April 14, 2017 “Why an independent counsel is necessary in an election probe,” The Hill (online), <http://thehill.com/blogs/pundits-blog/the-administration/328729-why-an-independent-counsel-is-necessary-in-election> .

- September 2016 Alan Ellis and EJ Hurst II, “Different Talk, Familiar Walk: More Medical and Elderly Releases under BOP’s Reduction in Sentence Program, but Other Inmates Still Out of Luck,” *Criminal Justice (American Bar Association)*, Vol. 31, No. 3 (Fall 2016).
- December 17, 2014 “Not all grand juries are created equal,” *The Hill* (online), <http://thehill.com/blogs/pundits-blog/the-judiciary/227374-not-all-grand-juries-are-created-equal> .
- August 19, 2014 “The courthouse is closed (to you)” *The Hill* (online), <http://thehill.com/blogs/pundits-blog/the-judiciary/215290-the-courthouse-is-closed-to-you> .
- March 2014 Alan Ellis and EJ Hurst II, “Federal BOP Puts a Little Compassion in Its Newest Release Program,” *Criminal Justice (American Bar Association)*, Vol. 28, No. 4 (Winter 2014).
- Summer 2001 Note, *Rules, Regs, and Removal: State Law, Foreseeability, and Fair Play in One Strike Terminations from Federally-Subsidized Public Housing*, 38 *BRANDEIS L.J.* 733 (2000).
- July 1999–July 2000 Editor, *Brandeis Law Journal* Vol. 38 (Member 7/1998 to 7/2000)