

EJ Hurst II

Attorney and Counselor at Law

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Professional Experience

April 2003
to Present

Sentence Mitigation, Custody Consultation, Post-Conviction Litigation Durham, North Carolina

National, private 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 (“U.S.S.G.”) and non-Guidelines statutory arguments; providing detailed Federal and State defendant histories, with creative sentencing and post-release alternatives; assisting federal defendants and attorneys with post-sentencing custody issues, including Federal Bureau of Prisons security classifications, facility designation and transfers, drug abuse treatment and other programming requests, and administrative inmate remedies; requesting federal supervision transfer and early Supervised Release termination; litigating post-conviction challenges to conviction, sentence, or conditions of confinement; and seeking Federal agency records under the Freedom of Information Act and the Privacy Act.

June 2001 to
April 2003

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

Investigations, legal research, and advocacy position that provided Federal and State post-conviction advice and advocacy, 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**
 Predominantly criminal legal research position including: pretrial witness interviews and preparation, prosecution development and caseload management; attorney-supervised criminal motion and discovery practice; litigation preparation and trial support; written appellate advocacy; and policy and legislative research and drafting.
- May 1998 to **Law Clerk, Legal Aid Society of Louisville (Kentucky), Housing Law Unit**
 Aug. 1998 Civil legal research position that included conducting client intake interviews; researching and drafting legal memoranda; conducting apartment inspections; requesting records under the Kentucky Open Records Act and Federal Freedom of Information Act (FOIA); preparing litigation materials; and supporting trial advocacy.
- Sept. 1997 to **Student Assistant, Brandeis School of Law Library,**
 May 2000 **University of Louisville, Kentucky**
 Selective part-time position providing general patron and library management services; researching legal and general issues for Law School faculty; and training new Library 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; data revision into new records management database; maintenance of library research materials; and general and legal research.

Practice Licenses and Professional Memberships

- Maryland State Courts (January 3, 2002)
- North Carolina State Courts (April 3, 2009)
- United States Court of Appeals, Fifth Circuit (July 14, 2009)
- United States District Court, District of Colorado (March 17, 2008)
- 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, District of North Dakota (March 21, 2013)
- National Association of Criminal Defense Lawyers (NACDL), Member
- Fourteenth Judicial District Bar (Durham County, North Carolina), Member

Public Service

Criminal Justice Act (CJA) Panel Member, Eastern District of North Carolina

Member, Corrections Committee, National Association of Criminal Defense Lawyers

Author and Host, <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.

Publications and Honors

- 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)
- April 2000 Recipient, John S. Greenebaum Public Service Award, University of Louisville Brandeis School of Law
- Sept. 2000–Sept. 2001 Edith Schwab Memorial Scholar (Study Abroad)
- Sept. 1998–Sept. 1999 Scribe, Delta Theta Phi Law Fraternity, Henry Clay Senate University of Louisville Brandeis School of Law (Member, Sept. 1997–May 2000)
- Summer 1998 IOLTA Fellow (Interest on Lawyers’ Trust Accounts), Legal Aid Society of Louisville, Kentucky

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