

## ***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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Address: Suite 120, PMB 326  
Durham, North Carolina 27713  
(*Meetings by Appointment Only*)

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Address: Suite 170, PMB 371  
Lexington, Kentucky 40509

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## **Professional Experience**

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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***  
 Predominantly criminal legal and general 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 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; 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, Fourth Circuit (December 13, 2013)
- United States Court of Appeals, Fifth Circuit (July 14, 2009)
- 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.

## **Publications**

- 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)

## **Education**

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- 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