

CURRICULUM VITAE

STEPHEN P. HURLEY

PERSONAL DATA:

Shareholder: Hurley Burish, S.C.
33 E. Main Street, Ste. 400
Madison, WI 53701-1528
shurley@hurleyburish.com
(608) 257-0945

EDUCATION:

Undergraduate: Knox College; Galesburg, IL
B.A. 1969

Legal: University of Illinois, College of Law; Champaign, IL
J.D. 1972

ADMISSIONS TO THE BAR:

Illinois: 1972
Wisconsin: 1976

ADMISSIONS TO COURTS:

United States Supreme Court (August 28, 1992)

United States Court of Appeals, Seventh Circuit (1978)

United States Court of Appeals, Eighth Circuit (1978)

United States District Court, Northern District of Illinois (1972)

United States District Court, Eastern District of Illinois (1976)

United States District Court, Western District of Michigan (2002)

United States District Court, Western District of Wisconsin (1976)

United States District Court, Eastern District of Wisconsin (1979)

ADMISSIONS PRO HOC VICE:

United States District Court, District of Minnesota (1979-1983)

District Court, Rice County, Minnesota (1984-1986)

District Court for Hennepin County, Minnesota (1987)

Minnesota Court of Appeals (1986)

EMPLOYMENT:

Shareholder: Hurley Burish, S.C.

I have been continuously engaged in private practice in Dane County, Wisconsin since 1976. My practice concentrates on business and criminal litigation.

Consultant to the Office of General Counsel, U.S. Department of Health and Human Services (2003)

Office of the State Appellate Defender (Illinois)

1. Deputy Defender, Fifth Judicial District, Mt. Vernon, IL (1974 - 1976)

2. Assistant Defender, Third Judicial District, Ottawa, IL (1972 - 1974)

From 1972 through 1976 I wrote, argued or supervised over 500 criminal appeals. I successfully argued People ex rel Rice v. Cunningham, 61 Ill 2d 353, 336 N.E. 2d 1 (1975) which resulted in the then extant death penalty statute being ruled unconstitutional by the Illinois Supreme Court. During my last two years in Mt. Vernon, IL, I supervised a staff of 7 attorneys in perfecting the

appeals of indigent defendants within the 36 southern-most counties in Illinois.

OTHER LEGAL ACTIVITIES:

Appointments:
(not comprehensive)

Wisconsin Legislative Council Special Committee on Judicial Discipline and Recusal (2010)

Monitor, Appointed by Court as part of settlement agreement in the U.S. District Court, Western District of Wisconsin, in lawsuit between the Wisconsin Department of Corrections and inmate-plaintiffs of the correctional facility located in Boscobel, WI (March 2002 - March 2004)

Court Commissioner, Dane County, WI (1982 - 1999)

Member, Wisconsin Criminal Penalties Study Committee
The Criminal Penalties Study Committee was established by law as a public body to make recommendations to the Legislature about the implementation of new sentencing laws; designee of the State Bar and appointed to the Commission by Governor Tommy Thompson. (1998)

Member, Evidence and Civil Procedure Committee, Judicial Council of Wisconsin (1992)

Member, Magistrate Selection Committee for the U.S. District Court for the Western District of Wisconsin (1991)

Member, Advisory Committee on the Civil Justice Reform Act for the U. S. District Court for the Western District of Wisconsin (1991)

Member, Advisory Committee on Local Rules to the U. S. District Court for the Western District of Wisconsin (1989-1990)

Member, Wisconsin Supreme Court Board of Attorney's Professional Responsibility, District Nine Committee (1979 through 1984)

Special Master, United States Court of Appeals for the Seventh Circuit (1983)

Teaching: Adjunct faculty, University of Wisconsin Law School: Teaching courses in Evidence and Trial Advocacy. (1987 - present)

Lecturer, High People's Court of Guizhou Province, Guiyang, China (August 7-10, 2017)

Visiting professor of law, Doshisha University, Kyoto Japan (February 10 - 24, 2017): Taught Evidence.

East China University of Political Science and Law, Shanghai, China (2011 - 2014): "An Introduction to American Law." This has been an annual two week intensive study course for students participating in a Masters of Law program jointly conducted by East China University of Political Science and Law and the University of Wisconsin Law School. (February, March 2011 - 2014)

East China University of Political Science and Law, Shanghai, China: Evidence: An intensive three week study course. (May-June, 2016)

Thammasat University Law School, Bangkok, Thailand. (June, 2015): "An Introduction to American Law." (June, 2015)

Memberships
& Board Service:

Board of Directors, Federal Defender Services of Wisconsin, Inc. Federal Defender Services of Wisconsin, Inc. is a charitable, non-profit Wisconsin corporation dedicated to serving clients who cannot afford to hire a lawyer in a federal criminal case. Federal Defender Services is a private corporation without shareholders; a board of directors of distinguished lawyers in private practice and in academia sets policy for the work of the lawyers and support staff at Federal Defender Services (Member: 2005 - 2017; Chairman: 2009- 2013)

Fellow, American College of Trial Lawyers

Board of Trustees, Madison Opera (2009-2017); Vice President 2010; President, 2011-2013)

Wisconsin Association of Criminal Defense Lawyers (1991-2008) (Former member of the Board of Directors)

Member, Wisconsin Innocence Project Advisory Board. The Wisconsin Innocence Project is a clinic within the Remington Center of the University

of Wisconsin Law School. It engages professors and students in actively seeking the exoneration and release of those who have been wrongly convicted of crimes.

National Association of Criminal Defense Lawyers (2009-2016)

Dane County Criminal Defense Lawyers Association

Dane County Bar Association

State Bar of Wisconsin

Western District Bar Association; Former Chairman, Standing Committee on Criminal Justice

American Inns of Court, James E. Doyle Chapter, Master Benchers (1992 to 1999)

Recognitions:

The Wisconsin Law Foundation's Charles I. Goldberg Distinguished Service Award. Presented to a member of the State Bar of Wisconsin who has a long-standing record of service to both the legal profession and to the public. (2015)

Selected for inclusion in *THE BEST LAWYERS IN AMERICA*, Woodward/White, Inc., Aiken, S.C. (1995-present)

WISCONSIN SUPERLAWYERS (2005 - present)

WILLIAM COFFEY MEMORIAL AWARD: This is the highest award the Wisconsin Association of Criminal Defense Lawyers (WACDL) gives each year recognizing outstanding criminal defense lawyers and advocates. The award is given to an individual who has made significant contributions to professionalism in the criminal practice. The recipient of the award is determined by vote of the President and Ex-Presidents of WACDL. (2007)

WARREN STOLPER AWARD: Selected as the outstanding adjunct professor of law by the University of Wisconsin Law School (2004)

United States Department of Health and Human Services Office of the General Counsel: Certificate of Appreciation for Dedicated Service to DHHS (July 3, 2003)

Money, Education, and Prisons: Certificate of Appreciation in recognition of Stephen Hurley's valuable contributions to MEP Conference: Standing at the Crossroads (December 2-4, 1999)

Selected as a *LEADING WISCONSIN ATTORNEY*, through American Research Corporation (1999)

Administrative Office of the Illinois Courts: Certificate of Recognition for Outstanding Legal Defense Service (November 3, 1994)

Academy of Television Arts and Sciences 1992 - 1993 Primetime Emmy Awards honor for contributions to *Picket Fences*, Outstanding Drama Series, (1993)

Publications:

Journal of Nursing Regulation, Volume 1, Issue 1, April, 2010: Case Study: Medication Errors and Criminal Negligence: Lessons from Two Cases (with Berghahn, Marcus J.)

Wisconsin Defender: Can Defense Counsel Ethically Breach a Plea Agreement? (Reprinted in *Plea Bargaining and Penology: An Appraisal*, M.N. Bhavani, ed., 2008, Amicus Books of Icfai University Press (Summer 2005) (with Erik R. Guenther)

Wisconsin Defender: Sharp Practice: The Use of Section 908.01(4)(b) Admissions by Party Opponent to Hoist a Prosecutor by His Own Words, or the Lessons of *State v. Cardenas-Hernandez* (December 1999) (with Marcus J. Berghahn)

Wisconsin Defender: Arguing the Admissibility of "Soft Science" Expert Testimony in Wisconsin (December 1998) (with Marcus J. Berghahn)

Wisconsin Defender: The Attorney-Client Privilege: The Self Defense Exception To The Attorney-Client Privilege (December 1997) (with Marcus J. Berghahn)

Editorial Review Board: Defense of Juvenile Cases in Wisconsin by Pomeroy, Virginia, State Bar of Wisconsin, ATS-CLE Division (1993)

Editorial Review Board: Wisconsin Criminal Defense Manual by Devitt, Patrick J., State Bar of Wisconsin, ATS-CLE Division (1992)

Editorial Advisory Board: Wisconsin Defender a publication of the Wisconsin State Public Defender's Office

Participant:

(not comprehensive)

University of Wisconsin Law School: Sentencing Seminar. This was a seminar co-sponsored by the Wisconsin Department of Corrections and the Wisconsin Supreme Court. It consisted of trial and appellate judges, representatives of the Department of Corrections, a prosecutor, a defense attorney and students, to discuss sentencing. The seminar met approximately every other month for two years. (1997 through 1999)

Wisconsin Supreme Court Criminal Law and Sentencing Institute, participant in structured panel/floor discussion on the exercise of judicial discretion in criminal law and sentencing. (1995)

Federal Court Study Committee: requested to give testimony before this Committee, comprised of members of Congress and the federal judiciary, on its recommendations concerning implementation of, and amendment to, the Federal Sentencing Guidelines. Madison, WI (January 19, 1990)

State Bar of Wisconsin, participant in panel discussion on professionalism, Madison, WI (February 4, 1988)

Lectures:

(not comprehensive)

The High People's Court of Guizhou Province, Guiyang, China. A series of lectures to judges of the People's High Court on the American approach to Evidence, on American civil procedure and on American efforts to combat drug use through the courts. (August 6-12, 2017)

Yantai University Law School: "The Enforcement of Criminal Laws in America: The Problems of the Cost of Incarceration and How African Americans Have Been Disproportionately Imprisoned" Yantai, China (April 7, 2014)

Wisconsin Public Defender: Annual Conference: "Cross Examining State's "Experts" in Child Sexual Assault Cases," Milwaukee, WI (November 8, 2013)

Wisconsin Solo and Small Firm Conference: "OLR Called, now what?," Wisconsin Dells, WI (October 25, 2013)

Legal Association for Women: "Thank You for Your (Dis)service: How Your Acceptance of Pro Bono Work Has Defunded Higher Education and

Caused the Mass Incarceration of African Americans in Wisconsin," Madison, WI (June 12, 2013)

NACDL Annual Seminar: "Best In Show: Admissibility of Police Dog Evidence," New York, NY (2013)

Wisconsin Department of Justice, DCI Death Investigation School: Defense Strategy, Green Lake, WI (2012) & Fort McCoy, WI (2013)

National Business Institute Seminar: "Legal Ethics of Attracting & Selecting Clients", Milwaukee, WI (December 2011)

University of Wisconsin Law School Commencement Address (May 2010)

James E. Doyle Inn of Court and Thomas E. Fairchild Inn of Court Meeting, "Canine Searches," Nashotah, WI (April 14, 2010)

Virginia State Bar: Sixth Annual Indigent Criminal Defense Seminar, "Canine Searches," Richmond, Virginia (April 9, 2010)

Wisconsin Association of Criminal Defense Lawyers: The Craft of Criminal Defense - A Master Class, Oshkosh, WI (March 26, 2010)

National Association of Criminal Defense Lawyers Seminar: "K-9 Dogs and Drug Searches," Las Vegas, Nevada (November 19, 2009)

Wisconsin Association of Criminal Defense Lawyers: "Strategies for Motions in Limine: Deciding When and How to Ask the Court for Pretrial Hearings and Rulings," Oshkosh, WI (March 26, 2009)

National Business Institute seminar: "Preventing Legal Malpractice in Everyday Practice," Madison, WI (December 16, 2008)

National Association of Criminal Defense Lawyers Seminar: "Crossing Dogs: Drug Dogs, Cadaver Dogs," Milwaukee, WI (August 1, 2008)

Wisconsin Supreme Court, Office of Judicial Education: 2006 Criminal Evidence Workshop, Madison, WI (June 21-23, 2006)

Professional Education Systems - PESI: Wisconsin Evidence, Madison, WI. This was an annual presentation to trial lawyers using filmed vignettes to

demonstrate, and to prompt discussion of, evidentiary problems.
(1992-2005)

Wisconsin Public Defender: Annual Training Conference: "What the Judges are Learning about Evidence," Milwaukee, WI (Sept. 23, 2005)

Wisconsin Supreme Court, Office of Judicial Education: 2005 Criminal Evidence Workshop, Baraboo, WI (Sept. 21-22, 2005)

University of Wisconsin Law School Commencement Address
(May 2005)

Professional Education Systems Inc.: "Defending a Child Pornography Case," Madison, WI (February 15, 2005)

State Bar of Wisconsin: "Doing Right by Your Client Accused of Doing Wrong," Madison, WI (March 10, 2004)

State Bar of Wisconsin: "Exploring, Exposing, & Exploiting the Evidence to Exonerate," Madison, WI (June 20, 2003)

Truth in Sentencing Seminar: Milwaukee WI (Jan. 10, 2003)

State Bar of Wisconsin, "Madness and Mayhem: Crimes of Passion, Addiction and Greed," Madison, WI (June 20, 2002)

Wisconsin Association of Criminal Defense Lawyers: "Ethical and Practical Considerations in Drafting Non-Refundable Fee Agreements," Madison, WI (December 1, 2001)

Wisconsin Public Defender: "Effective Sentencing Arguments in the TIS Era," Milwaukee, WI (October 4, 2001)

State Bar of Wisconsin, 13th Annual Environmental law Update: "Responding to Potential Criminal Investigations and Complaints," Milwaukee, WI (September 19, 2001)

Midwest Law Enforcement Officers' Association: "Cross Examination, Impeachment & Rehab of Witness," Green Lake, WI (September 6, 2001)

Federal Defender Services of Eastern Wisconsin: Criminal Practitioner's Seminar, Madison, WI (January 27, 2001)

Wisconsin Department of Corrections: "Criminal Sentencing," Kohler, WI (January 1, 2001)

Wisconsin Public Defender Truth-in-Sentencing Seminar: "Training for Effective Advocacy," Pewaukee, WI (February 9-10, 2000)

MEP Taskforce, "Truth-in-Sentencing," Milwaukee, WI (December 3, 1999)

Wisconsin Public Defender Conference: "Truth-In-Sentencing," Milwaukee, WI (September 16, 1999)

Wisconsin Public Defender Trial Skills Academy: Trial Skills, Delavan, WI (May 25, 1999)

The Office of Judicial Education Civil Law Seminar: "Evidentiary Issues Unique to the Civil Trial," (November 18, 1998)

Dane County Criminal Defense Lawyers Association: "Sentencing Lessons," (January 23, 1998)

Wisconsin Public Defender Trial Skills Seminar: Teaching trial skills, Lake Geneva, WI (May 4-6, 1997)

Dane County Criminal Defense Lawyers Association. "Privileges: husband and wife; attorney-client," Madison, WI (December 7, 1996)

National Cheng Chi University: "When are Taiwanese Businesses at Risk of Being Subject to the Jurisdiction of United States Courts," Taipei, Taiwan (June 7, 1996)

Wisconsin Judicial Conference, Criminal Evidence, Milwaukee, WI (April 28, 1995)

U.W. Law School: General Practice Skills Course -- Criminal Proceedings Week, Madison, WI (Spring Semester, 1995)

U.S. District Court Western District of Wisconsin: CJA Basic Training Program: "Brainstorming the Case and Identifying Defenses," Mentor program in which experienced attorney's offer guidance to attorney's handling their first Federal Cases, Madison, WI (September 8, 1994)

U.W. Law School: Legal Assistance to Incarcerated Persons Project;

participant in panel on problems in the defense of indigent persons, Madison, WI (June 21, 1994)

WACDL Seminar: Trial Workshop Marc Plaza, Milwaukee, WI (May 12-13, 1994)

U.W. Law School: General Practice Skills Course/Skills -- Intensive Training Week, Madison, WI (March 18 & 19, 1994)

U.W. Law School: Section on Professional Responsibility: "Ethical Considerations and the U.S. Supreme Court's Decision Nix v. Whiteside and the Thornberg Memorandum (Class on Legal Ethics)," Madison, WI (March 9, 1994)

Wisconsin Association of Criminal Defense Lawyers: Ethics of Fee Agreements, Madison, WI (December 11, 1993)

Legal Action of Wisconsin: Seminar for Appointed Counsel, "Withdrawing as Counsel from Appointed Cases," Madison, WI (December 10, 1993)

U.W. Law School: Section on Professional Responsibility: "Ethical Considerations and the U.S. Supreme Court's Decision Nix v. Whiteside," Madison, WI (October 6, 1993)

Wisconsin Association of Criminal Defense Lawyers: 1993 Seminar (Organizational Committee): "Sexual Assault of a Juvenile," Madison, WI (May 6-7, 1993)

U.W. Law School: Law and Contemporary Problems: Prosecution and Defense (Section on Criminal Law, Madison, WI (May 28, 1993)

State Public Defender Conference: "Plea Negotiations in Criminal Cases," Oconomowoc, WI (October 2, 1992)

U.W. Law School: Law and Contemporary Problems: Prosecution and Defense (Section on Criminal Law), Madison, WI (May 27, 1992)

Wisconsin Association of Criminal Defense Lawyers: "The Trial of an Arson Case: Handling the Snitch and Eyewitness Identification," A Trial Skills Workshop, Fond du Lac, WI (April 30 - May 2, 1992)

State Bar of Wisconsin/CLE Division: "Evidence for Criminal Lawyers," Milwaukee and Madison, WI (April 6 and 7, 1992)

State Public Defender, Milwaukee trial office: "Jury Nullification," Milwaukee, WI (February 27, 1992)

State Bar of Wisconsin/ATS-CLE Division: "The Attorney-Client Privilege: What Every Lawyer Should Know," Milwaukee, WI (January 29, 1992)

State Bar of Wisconsin, 1992 Midwinter Convention, Section on Individual Rights and Responsibilities, "The Local Impact and Future Prospects of Miranda and Other Police Interrogation Rulings," Milwaukee, WI (January 17, 1992)

State Public Defender Conference: "Seminar on Cross Examination of Juvenile Complaining Witness in a Sexual Assault Case," Milwaukee, WI (November 15, 1991)

Wisconsin Association of Criminal Defense Lawyers: The Trial of a Sexual Assault Case: A Trial Skills Workshop, Madison, WI (May 10-11, 1991)

State Public Defender Criminal Defense Conference: "New Legislation Affecting Criminal Law;" and Immunity and John Doe proceedings," Milwaukee, WI (1990)

State Bar of Wisconsin/ATS-CLE Division: "Forensic Documentation," Madison, WI (April 24, 1990)

Wisconsin Public Defender Annual Fall Criminal Defense Conference: "Challenging the Experts," Milwaukee, WI (November 13, 1989)

State Public Defender Criminal Defense Conference, Milwaukee, WI (1989)

University of Wisconsin Law School: "Uncharged Misconduct Evidence," (Section on Evid.) Madison, WI (December 1989)

University of Wisconsin Law School: Evidentiary questions in trials of sexual assault charges, (course on Criminal Law), Madison, WI (November 1989)

Wisconsin Judicial Conference: "Recent Developments in "Victim/Witness" Laws," Appleton, WI (September 1988)

Dane County Bar Association, Criminal Law Section: “voir dire examination and juror selection,” Madison, WI (November 1988)

University of Wisconsin Law School: “opening statement and closing argument,” (course on Trial Advocacy), Madison, WI (November 1988)

Dane County Criminal Defense Lawyers Association: “voir dire and juror selection; cross examination of purported victims in sexual assault cases,” Madison, WI (1987)

University of Wisconsin Law School: “voir dire examination and juror selection” (course on Trial Advocacy); briefing and oral argument (sections on legal writing and research), Madison, WI (1987)

National Legal Aid and Defender Association Annual Meeting: “The defense of death penalty cases,” Seattle, WA (1976)

St. Louis University Law School: Clinical program on appellate practice and brief writing, St. Louis, MO (1974, 1975)

Misc:

Technical advisor and writer: Primal Fear,
Paramount Pictures

Technical advisor: The Practice,
Kelly Productions, Inc.

Technical advisor: Picket Fences,
Kelly Productions, Inc.

Chairman, Wisconsin Education Fund (Fund providing scholarships to Graduating High School Seniors) sponsored by the Office of former U.S. Representative Scott Klug (1992-1994)