

JAMES H. FELDMAN, JR.
ATTORNEY AND COUNSELOR AT LAW

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Curriculum Vita

James H. Feldman, Jr., has practiced federal post-conviction criminal defense full time since 1989. During that time he has handled numerous sentencings, appeals, and 2255 motions in federal courts throughout the United States. Mr. Feldman is co-author of the *Federal Sentencing Guidebook* and the *Federal Post Conviction Guidebook*, and is editor of the *Federal Presentence and Post Conviction News*. He has also authored numerous articles on federal sentencing and post conviction remedies, including *Litigating in a Post-Booker World*, *Representing the White Collar Client in a Post-Booker World*, and *A 2255 and 2241 Primer*. In addition to his own practice, Mr. Feldman is of counsel to the Law Office of Peter Goldberger and the Law Offices of Alan Ellis. He works out of his Ardmore, Pennsylvania, office.

After earning his law degree in 1976 from the University of Cincinnati College of Law, Mr. Feldman engaged in the solo practice of law in Cincinnati until 1982, when he moved to Philadelphia to serve as staff attorney for the Central Committee for Conscientious Objectors. As a result of his work with CCCO, Mr. Feldman is one of a handful of attorneys in the United States experienced in litigating habeas petitions on behalf of members of the United States armed forces.

Areas of Practice:

Federal Post-Conviction Criminal Defense:

- Plea Negotiations
- Cooperation Agreements
- Sentencings
- Direct Appeals
- 2255 Motions
- Rule 35 Motions
- Presidential Pardons and Commutations

All federal crimes handled, including

- White Collar Crimes
- Drug Offenses
- Gun Offenses
- Pornography Offenses

Military Conscientious Objector Claims:
Applications for Discharge.
Petitions for Writs of Habeas Corpus Challenging Discharge Denials.

Bar Admissions:

Supreme Court of Ohio, 1976
Supreme Court of Pennsylvania, 1982
Supreme Court of the United States, 1993
U.S. Court of Appeals 1st Circuit
U.S. Court of Appeals 2nd Circuit
U.S. Court of Appeals 3rd Circuit
U.S. Court of Appeals 4th Circuit
U.S. Court of Appeals 5th Circuit
U.S. Court of Appeals 6th Circuit
U.S. Court of Appeals 7th Circuit
U.S. Court of Appeals 8th Circuit
U.S. Court of Appeals 9th Circuit
U.S. Court of Appeals 11th Circuit
U.S. District Court Eastern District of Pennsylvania
U.S. District Court Middle District of Pennsylvania
U.S. District Court Southern District of Ohio
U.S. District Court Eastern District of Kentucky
U.S. District Court Western District of Michigan
U.S. Tax Court, 1991

Education:

University of Cincinnati College of Law, Cincinnati, Ohio, J.D., 1976
Washington University, St. Louis, Missouri, B.A., 1973

Board Memberships

Central Committee for Conscientious Objectors (CCCO) 1989-2000 (various roles, including board member, board chair, and co-general counsel)
Center on Conscience & War (CCW) (2000-2007)
New Society Educational Foundation (1988-90)
Prisoner Visitation and Support (CCCO representative to board in 1989)
Jewish Peace Fellowship (2001-present)

Classes/Seminars Taught

Counseling Conscientious Objectors: Morning session: "Building a Record for Habeas Relief in the CO Application Process." Afternoon session: "Military Conscientious Objectors and Habeas Corpus." July 8, 2006, San Diego, California (sponsored by the National Lawyers Guild)

"Representing Conscientious Objectors" (National Lawyers Guild National Convention, Washington, D.C., Nov, 2007)

"Equal Access Litigation," Youth, Militarism and Alternatives Conference, Chicago, Illinois, June 1988

"Administrative Separations and Discharges," Seminar on Military Law for the Congressional Caseworker, Washington, D.C., April 1986

"Selective Service Regulations," Selective Service Law Seminar, San Juan, Puerto Rico, April 1983

"Selective Service Regulations," Seminar on the Defense of Non-Registrants, Washington, D.C., June 1982

Honors

2005: Yad l'Yad award from Congregation Mishkan Shalom, Philadelphia, PA, for service to the community

Professional Associations and Memberships

National Association of Criminal Defense Attorneys
National Lawyers Guild, Military Law Task Force

Past Employment

1976-78: Associate, Ent & Crary, Cincinnati, Ohio

1978-82 Solo practice, Cincinnati

1982-89 Staff Attorney, Central Committee for Conscientious Objectors, Philadelphia, Pennsylvania

1989-2007 Senior Associate, Law Offices of Alan Ellis

Published Works:

"Intended Loss" Redefined in Fraud Cases (with Alan Ellis), Criminal Justice, Spring, 2009

Federal Sentencing Under the Advisory Guidelines: A Primer for the Occasional Federal Practitioner – Part Two (with Alan Ellis), The Champion, December 2008

Federal Sentencing Under the Advisory Guidelines: A Primer for the Occasional Federal Practitioner – Part One (with Alan Ellis), The Champion, July 2008

Supreme Court Finally Fulfills Promise of Booker (with Alan Ellis), Criminal Justice, Spring 2008

BOP Revamps Prison Designation Process (with Alan Ellis and J. Michael Henderson), The Champion, December 2007

Review of Relief from Collateral Consequences of a Criminal Conviction: A State-By-State Resource Guide, by Margaret Colgate Love (with Alan Ellis), The Champion, May 2007

Reducing Recidivism: The Bureau of Prisons Comprehensive Residential Drug Abuse Program (with Alan Ellis and J. Michael Henderson), The Champion, July 2006

Securing A Favorable Federal Prison Placement (with Alan Ellis and J. Michael Henderson), The Champion, April 2006

Representing the White Collar Client in a Post-Booker World (With Alan Ellis), The Champion, September/October, 2005

Litigating in a Post-Booker World (With Alan Ellis and Karen Landau), Criminal Justice, Spring, 2005

A 2255 and 2241 Primer: A Guide for Clients and their Family and Friends (With Alan Ellis), The Champion, April, 2002

Baker's Dozen: Federal Sentencing Tips for the Experienced Advocate, Part II (With Alan Ellis and Karen Landau), Criminal Justice, Spring, 2001

Apprehending and Appreciating Apprendi (With Alan Ellis, Peter Goldberger, and Karen Landau), Criminal Justice, Winter, 2001

Representing the White Collar Client at Sentencing (With Alan Ellis), Criminal Justice, Winter, 2000

The Basic Tools: 2241 and 2255 Habeas Petitions (With Alan Ellis and Wayne Anderson), Criminal Justice, Summer, 1997

"Resistance in the Military," in *Advice for Conscientious Objectors in the Armed Forces*, 5th ed., Robert A. Seeley, Ed. Philadelphia: CCCO, 1984

Editor, *Federal Presentencing and Post Conviction News*, 2000 – present

Testimony before Congress and State Legislatures

Testimony before the Maryland House of Delegates, Judiciary Committee (concerning proposed legislation which would have excluded draft non-registrants from the practice of law) (1989)

Testimony before the U.S. Senate, Subcomm. on HUD-Independent Agencies, Comm. on Appropriations (Selective Service System appropriations) (1987 and 1988)

Testimony before the U.S. House of Representatives, Subcomm. on HUD-Independent Agencies, Comm. on Appropriations (Selective Service System appropriations) (annually from 1985-1988)

Testimony before the United States Sentencing Commission (sentencing guidelines for Selective Service offenses) (1987)

Published Selected Cases

United States v. Confredo, 528 F.3d 143 (2d Cir. 2008)

Oakes v. United States 400 F.3d 92 (1st Cir. 2005)

United States v. Mansoori, 304 F.3d 635 (7th Cir. 2002)

United States v. Feurtado, 191 F.3d 420 (4th Cir, 1999)

United States v. Knobloch, 131 F.3d 366 (3d Cir. 1997)

United States v. Nelson, 66 F.3d 1036 (9th Cir. 1995)

Lazore v. C.I.R., 11 F.3d 1180 (3d Cir. 1993)

Searcey v. Harris, 888 F.2d 1314 (11th Cir. 1989)

Reiser v. Stone, 791 F.Supp. 1072 (E.D. Pa. 1992)

Searcey v. Crim, 642 F.Supp. 313 (N.D. Ga. 1986)