

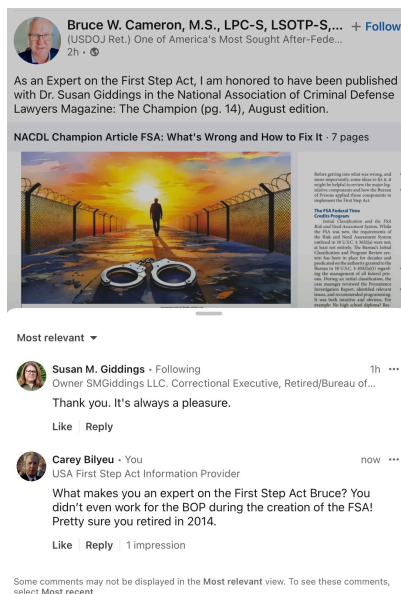
So you claim to be an Expert.

Exploring the fallacy of a claim of being an Expert in the First Step Act.

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Recently I had the opportunity to read an article in the National Association of Criminal Defense Lawyers “The Champion” publication titled “The FSA, Its Implementation, What’s Wrong and How To Fix It” (see pages 14-24). This article was written by two former Federal Bureau of Prisons employees, Bruce Cameron, who has more letters behind his last name than the English language has in its alphabet and working in the private sector since 2014 and the other, Susan M. Giddings PhD., a 2024 retiree who co-authored along with Mr. Cameron a book titled “Unlocking Federal Time Credits, A Guide for Attorneys, Inmates and Families” (see Book Review, 6/23/2024 on the USA First Step Face Book page).

On a LinkedIn post spamming the article, Mr. Cameron professes himself to be an “Expert” in the First Step Act. Additionally, on the back cover of their co-authored book, Ms. Giddings is labeled the “Foremost Authority on Federal Time Credits” covered in the First Step Act. I asked Mr. Cameron the question on his post “What Makes You An Expert”, and rather than reply with a thorough and qualified answer, he simply deleted the question. Seems like a fair question, right?



So I decided to determine what it takes to become an “Expert” in any field. My research involved doing simple math, much like the FSA’s Federal Time Credits requires and some basic assumptions about the life time it takes to become an “Expert”. It also included document searches in the field of becoming an Expert.

We start with the hours required to be considered an expert. Located on "Management Solutions Groups" website, they state: *"The recent research shows that it takes about 10 years and 10,000 hours of "Deliberate Practice" with good coaching and a good support system. This is opposed to the idea that it takes innate talent or skill."*

<https://msgweb.com/general-topics/what-does-it-take-to-become-an-expert>

10,000 hours to become an expert in one sitting would require approximately 416 days, 24 hours per day, non stop. That's non-stop, no breaks, no vacations, no weekends, etc. But we know that the average year includes 260 work days, and when you add in the holidays, vacations and sick days, etc., your year thus becomes approximately 230 days. We also know that its impossible to study 24 hours a day, non stop for 5 days per week as one must provide for their family, earn an income, travel for unexpected reasons and no one works 24 hours per day. So let's assume that the "average" Wanna-Be Expert" spends about 2 hours per work day on the subject matter, 5 days per week for the number of days to achieve 10,000 hours.

In the complex world of engineering, to which I belonged for 30 years, we utilize "assumptions" in critical and extremely complex mathematically equations to determine finite answers to things like Factors of Safety, Maximum Allowable Pressures, Minimum Thicknesses allowable, etc. Luckily I don't have to bore you with the finite details of determining the Maximum Allowable Working Pressure of a Nuclear Vessel (about 40 pages in complex math alone) because determining what it takes to become an Expert in hours is basic elementary math, just like determining how many FSA Federal Time Credits one can earn in any given Term of Imprisonment.

Another principal in Engineering, just like in Law and quite likely in the Prison Consultancy arena is Billable Hours. Everything runs on Billable Hours and those hours are billed against a client, taking from either Retainer Fees, Hours in production, etc. There is ABSOLUTELY no escaping Billable Hours. For this exercise, the Billable Hours Client thus becomes "Becoming An Expert Client".

We assume 230 Work Days Per Year.

We assume Becoming an Expert is billed 2 hours per day for the year.

$230 \times 2 = 460$ Billable Hours per year.

We already know that it takes 10,000 hours to be considered an expert.

We divide 10,000 by 460 Hours per year and we come up with 21.7 Years. Hmmm!

OK, we see what it would normally take an individual who spends 2 hours per day to become an expert in any one given subject matter, and the timing is about the same as what an expert guitarist needs to be considered a guitar great in their industry. So, 21.7 years seems like a long time and goes against the grain of 10 years, especially when you consider the fact that the First Step Act has only been around for six and a half years. So let's say that the Becoming An Expert Client doubles the Billable Hours per day to 4, the time to become an Expert is simple, take the 21.7 years and divide it by two, thus becoming 10.8 Years. A more reasonable and believable number, but again, you must remember, the First Step Act isn't that old. So how can one claim they are an Expert in the First Step Act? Simply put, it's mathematically impossible.

Continuing with the research, in an article completed by Harvard University School of Business Professors, they state the following: *“Real expertise must pass three tests. First, it must lead to performance that is consistently superior to that of the expert’s peers. Second, real expertise produces concrete results. Brain surgeons, for example, not only must be skillful with their scalpels but also must have successful outcomes with their patients. A chess player must be able to win matches in tournaments. Finally, true expertise can be replicated and measured in the lab. As the British scientist Lord Kelvin stated, “If you can not measure it, you can not improve it.”* (https://www.vidartop.no/uploads/9/4/6/7/9467257/the_making_of_an_expert.pdf)

The three requirements listed above are feasible and attainable in any one subject matter, however, the subject matter itself must be a solid, that is, finite. In the case of the First Step Act, the Federal Bureau of Prisons was left to disseminate the statutes, then create Code of Federal Regulations that are consistent with the law and finally, they were tasked with implementing the entirety of the law as written.

In all instances, the BOP failed in every effort. Coupled with ill written CFRs that circumvented the statute with what amounts to Chevron Deference (now dead), the BOP has tried to move the chains in the game multiple times only to be left tripping over themselves, Federal Courts, upper management and the front line workers, particularly Case Managers. In all instances, they have not presented a solid game plan for anyone to become an expert in the First Step Act, they have in fact actually created a monster of a mess that they are trying to get ahead of. Again, six and a half years after the passing of what is considered the most comprehensive prison reform bill ever written.

I find it hard to believe that anyone can claim to be an “Expert” in the First Step Act, or even “the Foremost Authority” in the FSAs FTCs. I would caution you personally against the “ruse” and would further caution anyone from remotely considering hiring someone claiming to be an Expert is the FSA.