

Federal Judicial Center

**2012 National Sentencing
Policy Institute**



Memphis, Tennessee
October 1-3, 2012

Monday, October 3, 2012
Salon D & E

Chair for the Day: Honorable Robert Holmes Bell
Chair, Committee on Criminal Law
Western District of Michigan

8:30 Welcome

Honorable Jeremy D. Fogel
Director, Federal Judicial Center
Northern District of California

Honorable Robert Holmes Bell
Chair, Committee on Criminal Law
Western District of Michigan

Honorable Patti B. Saris
Chair, U.S. Sentencing Commission
District of Massachusetts

8:45 Major Challenges facing Federal Sentencing and Corrections Policy: In light of the current federal budget outlook, this panel will have an engaging discussion of some of the major challenges confronting federal sentencing and corrections policy as regards the need to control and manage all federal criminal justice outlays.

Moderator

Honorable Keith Starrett
Member, Committee on Criminal Law
Southern District of Mississippi

Presenters

Lanny A. Breuer
Assistant Attorney General
U.S. Department of Justice

Honorable Julia Smith Gibbons
Sixth Circuit Court of Appeals

Honorable Patti B. Saris
Chair, U.S. Sentencing Commission
District of Massachusetts

10:30 **Intermission**

10:45 **Regional and Demographic Differences in Federal Sentencing Practices:** One of the goals of the Sentencing Reform Act is to reduce unwarranted sentencing disparities among defendants with similar records who have been found guilty of similar conduct. Some have expressed concern that disparity has grown under the advisory guidelines system. This panel will examine the various studies on disparity under the advisory guidelines and discuss ways to enhance the analysis of this important sentencing goal.

Moderator

Honorable Theodore A. McKee
Member, Committee on Criminal Law
Third Circuit Court of Appeals

Presenters

Professor Sonja B. Starr
University of Michigan Law School

Kevin R. Blackwell
U.S. Sentencing Commission

11:45 **Lunch**

1:00 **Principles of Evidence-Based Practices in Sentencing (Part I):** In this session, the presenters will discuss the principles underlying evidenced-based practices and how these principles can be incorporated into the federal sentencing process.

Moderator

Honorable M. Casey Rodgers
Member, Committee on Criminal Law
Northern District of Florida

Presenters

Professor Edward J. Latessa
University of Cincinnati

Professor Steven L. Chanenson
Villanova University School of Law

2:00 Intermission

2:15 Evidence-Based Practices in Sentencing (Part

II): This panel will discuss the legal and practical challenges for implementing evidence-based practices in sentencing and supervision. What concerns do such practices present for judges, practitioners and defendants?

Moderator

Professor Steven L. Chanenson
Villanova University School of Law

Presenters

Honorable M. Casey Rodgers
Northern District of Florida

Honorable Harold Baer, Jr.
Southern District of New York

Honorable Ralph Erickson
District of North Dakota

Professor Margareth Etienne
University of Illinois College of Law

Professor Edward J. Latessa
University of Cincinnati

Brian Rector
Saskatchewan Ministry of
Justice, Corrections and Policing

Melissa Alexander
Chief U.S. Probation Officer
Middle District of North Carolina

Wade Warren
Chief U.S. Probation Office
District of North Dakota

4:00 Discussion of Sentencing Scenarios: Two sentencing scenarios will be presented to the entire group, followed by discussion and using an Audience Response system, voting on questions raised by the scenarios.

5:00 Adjourn

Tuesday, October 2, 2012

Salon D & E

Chair for the Day: **Honorable Paul J. Barbadoro**
Member, Committee on Criminal Law
District of New Hampshire

8:30 Meet the Members of the U.S. Sentencing

Commission: The members of the U.S. Sentencing Commission will provide an update on recent Commission activities, findings from reports to Congress, and their plans for the future.

Moderator

Honorable Sterling Johnson, Jr.
Member, Committee on Criminal Law
Eastern District of New York

Presenters

Honorable Patti B. Saris
Chair, U.S. Sentencing Commission
District of Massachusetts

Honorable William B. Carr, Jr.
Vice-Chair, U.S. Sentencing Commission

Honorable Ketanji Brown Jackson
Vice Chair, U.S. Sentencing Commission

Honorable Beryl A. Howell
District of District of Columbia
Commissioner, U.S. Sentencing Commission

Honorable Dabney L. Friedrich
Commissioner, U.S. Sentencing Commission

Jonathan J. Wroblewski
Ex-Officio Commissioner, U.S. Sentencing Commission
U.S. Department of Justice

9:45 Intermission

- 10:00 Update from the Federal Bureau of Prisons:** An update of Bureau of Prisons activities, including discussion of legislative and other developments affecting the BOP, and a brief introduction to FCI Memphis, site of this afternoon's program.

Moderator

Honorable Judith C. Herrera
District of New Mexico

Presenters

Charles E. Samuels, Jr.
Director, Federal Bureau of Prisons

Kathleen M. Kenney
Assistant Director/General Counsel
Office of General Counsel and Review
Federal Bureau of Prisons

D. R. Stephens
Warden, FCI Memphis

- 11:15 Buses load in front of Peabody Hotel.**
- 11:45 Buses depart promptly for FCI Memphis.**
- 12:00 Intake Processing at FCI Memphis.**
- 12:30 Lunch at FCI Memphis.**
- 1:45 Workshop Discussions with Inmates:** Small groups, each meeting with three inmates, will discuss inmates' experiences at sentencing and view regarding their incarceration at the FCI and their participation in programs of the BOP.
- 3:00 Tour of FCI Memphis.**
- 4:15 Buses leave for return trip to the hotel.**
- 5:00 Arrive at Peabody Hotel and Adjourn.**

Wednesday, October 3, 2012

Salon D & E

Chair for the Day: Honorable Charles R. Norgle, Jr.
Member, Committee on Criminal Law
Northern District of Illinois

8:30 Sentencing: What Psychology Tells us about its Impact on the Judge: Sentencing is often mentioned as being at the top of the list of duties that generate stress and related concerns for judges. This panel will focus on cognitive scientific findings about how judges make sentencing decisions, with some discussion of approaches to addressing stressful and difficult aspects of judges' duties, such as hearing from crime victims and family members and sentencing offenders.

Moderator

Honorable Ellen Segal Huvelle
District of Columbia

Presenters

Honorable Jeremy D. Fogel
Director, Federal Judicial Center
Northern District of California

Honorable David F. Hamilton
Seventh Circuit Court of Appeals

Professor Terry A. Maroney
Vanderbilt University Law School

9:45 Intermission

10:00 What Social Science Offers the Sentencing Judge When Sentencing Offenders Convicted of Child Pornography: This panel will focus on the implications of recent social scientific findings regarding child pornography offenders.

Moderator

Honorable Cindy K. Jorgenson
District of Arizona

Presenters

Professor Robert Prentky
Fairleigh Dickinson University

Michelle Cheresse Spidell
Office of Probation and Pretrial Services

Brent E. Newton
U.S. Sentencing Commission

11:15 Adjournment

Planning Committee

Committee on Criminal Law of the Judicial Conference of the United States

Honorable Robert Holmes Bell, Chair
Western District of Michigan

Honorable Cindy K. Jorgenson, Member
District of Arizona

Honorable Paul J. Barbadoro, Member
District of New Hampshire

Honorable M. Casey Rodgers, Member
Northern District of Florida

Federal Judicial Center

Honorable Jeremy D. Fogel, Director
Northern District of California

Education Division

Bruce M. Clarke, Director
Elizabeth Lambert
Trudy B. Walter

Research Division

James B. Eaglin, Director
David Rauma

Administrative Office of the U.S. Courts

Matthew G. Rowland
Assistant Director
Office of Probation and Pretrial Services

John J. Fitzgerald
Chief, Criminal Law Policy Staff
Office of Probation and Pretrial Services

Stephen E. Vance
Attorney Advisor
Office of Probation and Pretrial Services

U.S. Sentencing Commission

Honorable Patti B. Saris, Chair
District of Massachusetts

Pamela G. Montgomery
Director and Chief Counsel
Office of Education and Sentencing Practice

Federal Bureau of Prisons

Charles E. Samuels, Jr.
Director

Kathleen M. Kenney
Assistant Director/General Counsel

D.R. Stephens
Warden, FCI Memphis

Edmond Ross
Public Affairs Specialist, Central Office
Information, Policy, and Public Affairs Division

***Committee on Criminal Law of the
Judicial Conference of the United States***

Honorable Robert Holmes Bell, Chair
Western District of Michigan

Honorable Paul J. Barbadoro
District of New Hampshire

Honorable Raymond W. Gruender
Eighth Circuit Court of Appeals

Honorable Judith C. Herrera
District of New Mexico

Honorable Ellen Segal Huvelle
District of District of Columbia

Honorable Sterling Johnson, Jr.
Eastern District of New York

Honorable Cindy K. Jorgenson
District of Arizona

Honorable Irene M. Keeley
Northern District of West Virginia

Honorable Theodore A. McKee
Third Circuit Court of Appeals

Honorable Franklin L. Noel
District of Minnesota

Honorable Charles R. Norgle, Sr.
Northern District of Illinois

Honorable M. Casey Rodgers
Northern District of Florida

Honorable Keith Starrett
Southern District of Mississippi

Small Group Assignments

Members of the Criminal Law Committee will lead the workshops; small group assignments can be found in the lower left corner of each name badge.

Group 1: Honorable Paul J. Barbadoro

Group 2: Honorable Judith C. Herrera

Group 3: Honorable Ellen Segal Huvelle

Group 4: Honorable Sterling Johnson, Jr.

Group 5: Honorable Cindy K. Jorgenson

Group 6: Honorable Theodore A. McKee

Group 7: Honorable Franklin L. Noel

Group 8: Honorable Charles R. Norgle, Sr.

Group 9: Honorable M. Casey Rodgers

Group 10: Honorable Keith Starrett