Discretion Realized?:
Federal Sentencing Ten Years After United States v. Booker

Ten years ago, the Supreme Court decided United States v. Booker, making the U.S. Sentencing Guidelines advisory. This has given district judges the discretion to sentence according to their own individual policy views. However, Congress has limited this discretion by enacting numerous mandatory minimum laws.

These laws allow prosecutors to maintain a firm grasp over sentencing by charging offenses carrying mandatory minimum sentences. This year, our symposium will be an anniversary review of Booker and its aftermath in order to assess whether judicial discretion has been realized. Our panels will cover four topics:

1. An overview of the state of sentencing post-Booker.
2. The effect of mandatory minimums on judicial discretion.
3. Views of federal judges on their discretion.
4. The future of sentencing reform, including proposed amendments to the Guidelines.

Renowned sentencing scholar, Prof. Douglas Berman, will deliver the keynote address. Presenters’ scholarly contributions will appear in Volume 47, Issue 3 of The University of Toledo Law Review.

Practitioners in the federal court system, including judicial clerks, probation officers, prosecutors, defense attorneys, and judges will find this symposium of interest.
Panel 1: The State of Sentencing Post-Booker
Ten years ago, U.S. v. Booker was decided, rendering the Federal Sentencing Guidelines advisory rather than mandatory. This panel will address the changes in sentencing brought on by returning discretion to judges through examining data collected after a decade.

MODERATOR: Evan Zoldan, Associate Professor, The University of Toledo College of Law

PANELISTS: Frank Bowman, Floyd R. Gibson Missouri Endowed Professor of Law, University of Missouri School of Law
Dr. Paul Hofer, Senior Policy Analyst Sentencing Resource Counsel, Federal Public and Community Defenders
Alan Dorhoffer, Deputy Director Office of Education and Sentencing Practice, U.S. Sentencing Commission
Ryan Scott, Professor of Law, Indiana University Maurer School of Law.

Panel 2: Mandatory Minimums
Despite the advisory nature of the Guidelines, discretion in sentencing does not rest solely with judges. This panel will examine where discretion, and ultimately power, in sentencing is housed by discussing the role of mandatory minimums as well as plea bargaining.

MODERATOR: Gregory Gilchrist, Associate Professor, The University of Toledo College of Law

PANELISTS: Ava Rotell Dustin, Supervisory Assistant United States Attorney, Northern District of Ohio
Eric Corns, Supervising U.S. Probation Officer, Northern District of Ohio
Craig Haller, Assistant United States Attorney, Western District of Pennsylvania

Panel 3: Judicial Discretion Post-Booker
This panel will discuss the changes in discretion from the perspective of federal judges, which includes experience with sentencing both before Booker and after.

MODERATOR: Jelani Jefferson Exum, Professor, The University of Toledo College of Law

The Hon. Jeffrey Helmick, U.S. District Judge, Northern District of Ohio
The Hon. Robert Pratt, Senior District Judge, Southern District of Iowa.

Panel 4: The Future of Sentencing Reform
This panel explores the future of sentencing, namely in terms of sentencing reform.

MODERATOR: Geoffrey Rapp, Associate Dean and Harold A. Anderson Professor of Law and Values, The University of Toledo College of Law

PANELISTS: Denise Barrett, National Sentencing Resource Counsel, Federal Public Defender
Lee Coleman, Assistant Federal Public Defender, Southern District of West Virginia
Bill Otis, Adjunct Professor of Law, Georgetown University Law Center

Keynote Address: The Punitive New Deal: Federal Sentencing Reform’s Place in Modern American History
Professor Doug Berman, Robert J. Watkins/Procter & Gamble Professor of Law, The Ohio State University Moritz College of Law.

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Schedule of Events
8:30-8:40 A.M. Opening Remarks – Dean Benjamin Barros
8:45-10 A.M. Panel 1: The State of Sentencing Post-Booker
10-10:15 A.M. Break
10:15-11:30 A.M. Panel 2: Mandatory Minimums
11:30 A.M.-12:15 P.M. Keynote Address
12:15-1 P.M. Lunch
1-2:15 P.M. Panel 3: Judicial Discretion Post-Booker
2:15-3:30 P.M. Panel 4: The Future of Sentencing Reform
3:30 P.M. Closing Remarks

REGISTRATION INFORMATION & FEES
$85 for 5.75 hours of Ohio CLE (application pending with Supreme Court of Ohio)
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$12 for box lunch only (advance registration required)

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