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## Sentencing Guidelines Conference: Opening Remarks

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## SENTENCING SYMPOSIUM

### SENTENCING GUIDELINES CONFERENCE: OPENING REMARKS

ROGER L. GOLDMAN\*

The suggestion for a conference in the year 2000 on sentencing guidelines at the Saint University School of Law came from Judge Edward L. Filippine Sr., a former Chief Judge of the U.S. District Court for the Eastern District of Missouri and a 1957 graduate of the Law School. As someone who has sentenced defendants under the pre-Guidelines regime as well as under the Federal Sentencing Guidelines, he believed that a conference devoted to the actual operation of the Guidelines would be beneficial to all concerned, particularly with the newly confirmed U.S. Sentencing Commission just beginning its work.

By having representatives from the various actors in the system—members of the Sentencing Commission and staff; federal judges, both from district courts and the courts of appeals; lawyers, including private defense lawyers and federal public defenders, as well as prosecutors; and probation officers—we hoped to create a forum for an informed exchange of views, one that could ultimately improve the operation of the Guidelines.

In addition to a day spent of the Federal Sentencing Guidelines, Judge Michael A. Wolff of the Missouri Supreme Court, a former faculty member at the Law School, suggested that a portion of the Conference be devoted to state sentencing guidelines.

A confluence of circumstances made St. Louis an obvious choice for holding the conference: Judge Diana E. Murphy of the U.S. Court of Appeals for the Eighth Circuit, based in St. Louis, had just been nominated to chair the

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\* Conference chair, Professor of Law, Saint Louis University School of Law. The Sentencing Guidelines Conference was held at Saint Louis University School of Law, Jan. 13-14, 2000.

U.S. Sentencing Commission; Professor Kate Stith of the Yale Law School, a native of St. Louis, and Judge José A. Cabranes, U.S. Court of Appeals for the Second Circuit, had just written a book, *Fear of Judging: Sentencing Guidelines in the Federal Courts*, critical of the Guidelines. In addition, Mike Wolff was co-teaching a sentencing seminar at the Law School with Professor Robert J. Levy of the University of Minnesota Law School, thus members of his class, consisting of law students and state judges, would be able to attend.

The timing of such a conference in 2000 made sense with the nomination and confirmation in mid-1999 of the seven members of the U.S. Sentencing Commission. Notably, Chief Justice William H. Rehnquist, in his 1999 Year-end Report on the Federal Judiciary, listed the appointment and confirmation of the seven commissioners as one of the two major accomplishments by Congress and the Executive Branch for the year.

Perhaps the most unique aspect of the Conference was the decision to devote one day to Federal Guidelines and the other to state guidelines, allowing persons knowledgeable about one system to learn about the strengths and weaknesses of the other. Professor Richard Frase's article, for example, highlights the varying approaches between the various state and the Federal Guidelines systems.

When the first plans for this Conference were made last fall, we could not have anticipated the tremendous breadth or depth of response. Although it would have been our preference to publish the entirety of the proceedings, space and timing conspired against us. As a result, we have selected several excerpts from the Conference presentations and panel remarks that exemplify some of the more salient points debated. In addition, we have included several pieces related to the sentencing guidelines issues submitted to the Law Journal in response to a call for papers.

We believe this collection will be a valuable addition to the important debate currently existing in this area of law, and we are pleased to present it to you.