



The Federal Bar Association
and
**The National Association
of Criminal Defense Lawyers**



proudly present
The Nineteenth Annual National Seminar
on the

FEDERAL SENTENCING GUIDELINES



May 12 - 14, 2010 • Wednesday - Friday
The Renaissance Vinoy Resort, St. Petersburg, Florida

The Nineteenth Annual National Seminar on the FEDERAL SENTENCING GUIDELINES

Wednesday - Friday
May 12 - 14, 2010

The Renaissance Vinoy Resort
St. Petersburg, Florida

**WEDNESDAY
MAY 12, 2010**

EARLY REGISTRATION

3:00 - 5:00 p.m.

**U.S. SENTENCING GUIDELINES BASIC TRAINING
PLENARY SESSION**

The Basic Individual Guidelines Training is designed to provide an introduction to guidelines application for those with limited federal guidelines experience. This session will also highlight post-Booker federal sentencing.

- ◆ **L. Russell Burress**
*Principal Training Advisor
United States Sentencing Commission*
- ◆ **Ashley L. Coxwell**
*United States Probation Officer
Middle District of Florida*
- ◆ **Pamela Montgomery, Esquire**
*Director of Training & Chief Counsel
Office of Education & Sentencing Practice
United States Sentencing Commission*



THURSDAY MAY 13, 2010

7:30 - 8:15 a.m.

CONTINENTAL BREAKFAST & REGISTRATION

8:15 - 8:30 a.m.

WELCOMING REMARKS

◆ **Kevin J. Napper, Esquire**
Carlton Fields, P.A.
Tampa, Florida

◆ **Norman L. Reimer, Esquire**
Executive Director
National Association of Criminal Defense Lawyers
Washington, DC

8:30 - 10:00 a.m.

U.S.S.G. DEVELOPMENTS AND A VIEW FROM THE DISTRICT COURT BENCH PLENARY SESSION

◆ **Honorable Frederic Block**
United States District Court
Eastern District of New York

◆ **Honorable Ruben Castillo**
Vice Chair
United States Sentencing Commission

◆ **Honorable Steven D. Merryday**
United States District Court
Middle District of Florida

◆ **Honorable Robert W. Pratt**
United States District Court
Southern District of Iowa

Moderator: **Professor Frank O. Bowman, III**
University of Missouri School of Law
Columbia, MO

10:00 - 10:15 a.m.

COFFEE BREAK



THURSDAY (continued)
MAY 13, 2010

10:15 - 11:45 a.m.

CONCURRENT SESSIONS

**A. DRUG OFFENSES / CRACK RETROACTIVITY /
MDMA IMPLICATIONS I***

- ◆ **Tracy Dreispul, Esquire**
*Assistant Federal Defender
Southern District of Florida*
- ◆ **Honorable Sterling Johnson, Jr.**
*United States District Court
Eastern District of New York*
- ◆ **A.J. Kramer, Esquire**
*Federal Defender
District of Columbia*
- ◆ **Jay Rorty, Esquire**
*Deputy Director
ACLU Drug Law Reform Project
Santa Cruz, CA*
- ◆ **Elizabeth K. Thomas**
*United States Probation Officer
Middle District of Georgia*

Moderator: **Rosemary Cakmis, Esquire**
*Chief of the Appellate Section
Federal Defenders Office
Middle District of Florida*

B. FRAUD & THEFT OFFENSES I*

- ◆ **Honorable A. Brian Albritton**
*United States Attorney
Middle District of Florida*
- ◆ **Honorable Paul D. Borman**
*United States District Court
Eastern District of Michigan*
- ◆ **Honorable Benton J. Campbell**
*United States Attorney
Eastern District of New York*
- ◆ **Terrance P. Donnelly, Esquire**
*Assistant United States Attorney
District of Rhode Island*
- ◆ **Kevin F. McDonald, Esquire**
*Acting United States Attorney
District of South Carolina*

Moderator: **Jennifer Coffin, Esquire**
*Sentencing Resource Counsel
Nashville, TN*

C. SENTENCING ISSUES IN SECURITIES CASES

- ◆ **Mark Harris, Esquire**
*Proskauer Rose, LLP
New York, NY*
- ◆ **Michael E. Horowitz, Esquire**
*Cadwalader, Wickersham & Taft
Washington, DC*
- ◆ **Peter Spivack, Esquire**
*Hogan & Hartson, LLP
Washington, DC*

Moderator: **Henry W. Asbill, Esquire**
*Dewey & LeBoeuf, LLP
Washington, DC*

11:45 a.m - 1:15 p.m.

SPECIAL PRESENTATION / LUNCH WILL BE PROVIDED

CULTURAL ISSUES IN SENTENCING PLENARY SESSION

- ◆ **Ashish S. Joshi, Esquire**
*Lorandos & Associates
Ann Arbor, MI*
- ◆ **Michael R. Levine, Esquire**
*Attorney at Law
Portland, OR*
- ◆ **Professor Alison Renteln, Ph.D.**
*University of Southern California
Los Angeles, CA*
- ◆ **Rene L. Valladares, Esquire**
*Assistant Federal Defender
District of Nevada*

Moderator: **Linda Friedman Ramirez, Esquire**
*Attorney at Law
St. Petersburg, FL*

1:15 - 2:45 p.m.

CONCURRENT SESSIONS

A. FIREARM OFFENSES

- ◆ **A. Fitzgerald Hall, Esquire**
*Assistant Federal Defender
Middle District of Florida*
- ◆ **W. Carl Lietz, III, Esquire**
*Kish & Lietz, P.C.
Atlanta, GA*

Moderator: **Leigh Skipper, Esquire**
*Chief Federal Defender
Eastern District of Pennsylvania*

B. IMMIGRATION OFFENSES

- ◆ **Geoffrey P. Cheshire, Esquire**
*Assistant Federal Defender
District of Arizona*
- ◆ **Francisco Morales, Esquire**
*Assistant Federal Defender
Southern District of Texas*
- ◆ **Jon N. Sands, Esquire**
*Federal Defender
District of Arizona*

Moderator: **Dan Kaplan, Esquire**
*Assistant Federal Defender
District of Arizona*

C. CORPORATE PLEA NEGOTIATIONS AND SENTENCING

- ◆ **Stevan Bunnell, Esquire**
*O'Melveny & Myers, LLP
Washington, DC*
- ◆ **Richard Zabel, Esquire**
*Criminal Division Chief
United States Attorney's Office
Southern District of New York*

Moderator: **Jeff Ifrah, Esquire**
*Ifrah Law, PLLC
Washington, DC*

2:45 - 3:00 p.m.

BREAK

3:00 - 4:30 p.m.

CONCURRENT SESSIONS

A. GUIDELINE DEPARTURES & VARIANCES OUTSIDE THE RANGE UNDER § 3553(A)

- ◆ **Honorable Frederic Block**
*United States District Court
Eastern District of New York*
- ◆ **Elisabeth F. Ervin**
*Supervising United States Probation Officer
Western District of North Carolina*
- ◆ **Paul Hofer, Esquire**
*Sentencing Resource Counsel
Washington, DC*
- ◆ **Michael Oliver, Esquire**
*Supervising Assistant United States Attorney
Western District of Missouri*
- ◆ **Honorable Robert W. Pratt**
*United States District Court
Southern District of Iowa*

Moderator: **Riley H. Ross, III, Esquire**
*Tucker Law Group, LLC
Philadelphia, PA*

B. RELEVANT CONDUCT

- ◆ **L. Russell Burress**
*Principal Training Advisor
United States Sentencing Commission*
- ◆ **Aaron R. Clemts**
*Supervising United States Probation Officer
Middle District of Florida*
- ◆ **Pamela Montgomery, Esquire**
*Director of Training & Chief Counsel
Office of Education & Sentencing Practice
United States Sentencing Commission*



*These sessions are offered twice during the course of this Seminar to allow as many people as possible to attend.

THURSDAY (continued)
MAY 13, 2010

C. MORTGAGE FRAUD OFFENSES I*

♦ **Beverly L. Morgan**

*Supervising United States Probation Officer
Western District of North Carolina*

♦ **Thomas Palermo, Esquire**

*Assistant United States Attorney
Middle District of Florida*

♦ **Kevin Tate, Esquire**

*Assistant Federal Defender
Western District of North Carolina*

Moderator: **L.T. Lafferty, Esquire**

*Fowler White Boggs
Tampa, FL*

5:30 - 7:00 p.m.

COCKTAIL RECEPTION

FRIDAY
MAY 14, 2010

7:45 - 8:30 a.m.

CONTINENTAL BREAKFAST

8:30 - 8:45 a.m.

AN ADDRESS FROM THE CHAIR OF THE UNITED STATES SENTENCING COMMISSION

♦ **Honorable William K. Sessions, III**

*Chair
United States Sentencing Commission*

8:45 - 10:00 a.m.

**UNITED STATES SENTENCING GUIDELINES: A YEAR IN REVIEW
PLENARY SESSION**

♦ **Professor Frank O. Bowman, III**

*University of Missouri School of Law
Columbia, MO*

♦ **Michael Oliver, Esquire**

*Supervising Assistant United States Attorney
Western District of Missouri*

♦ **Professor Ellen Podgor**

*Stetson University College of Law
Gulfport, FL*

♦ **Gregory L. Poe, Esquire**

*Attorney At Law
Washington, DC*

♦ **Honorable William K. Sessions, III**

*Chair
United States Sentencing Commission*

Moderator: **David Debold, Esquire**

*Gibson, Dunn & Crutcher, LLP
Washington, DC*

10:00 - 10:15 a.m.

COFFEE BREAK

10:15 - 11:45 a.m.

CONCURRENT SESSIONS

A. DRUG OFFENSES / CRACK RETROACTIVITY / MDMA IMPLICATIONS II*

- ◆ **Tracy Dreispul, Esquire**
*Assistant Federal Defender
Southern District of Florida*
- ◆ **Honorable Sterling Johnson, Jr.**
*United States District Court
Eastern District of New York*
- ◆ **A.J. Kramer, Esquire**
*Federal Defender
District of Columbia*
- ◆ **Jay Rorty, Esquire**
*Deputy Director, ACLU Drug Law Reform Project
Santa Cruz, CA*
- ◆ **Elizabeth K. Thomas**
*United States Probation Officer
Middle District of Georgia*

Moderator: **Rosemary Cakmis, Esquire**
*Chief of the Appellate Section
Federal Defenders Office
Middle District of Florida*

C. MORTGAGE FRAUD OFFENSES II*

- ◆ **Beverly L. Morgan**
*Supervising United States Probation Officer
Western District of North Carolina*
- ◆ **Thomas Palermo, Esquire**
*Assistant United States Attorney
Middle District of Florida*
- ◆ **Kevin Tate, Esquire**
*Assistant Federal Defender
Western District of North Carolina*

Moderator: **L.T. Lafferty, Esquire**
*Fowler White Boggs
Tampa, FL*

B. FRAUD & THEFT OFFENSES II*

- ◆ **Honorable A. Brian Albritton**
*United States Attorney
Middle District of Florida*
- ◆ **Honorable Paul D. Borman**
*United States District Court
Eastern District of Michigan*
- ◆ **Honorable Benton J. Campbell**
*United States Attorney
Eastern District of New York*
- ◆ **Terrance P. Donnelly, Esquire**
*Assistant United States Attorney
District of Rhode Island*
- ◆ **Kevin F. McDonald, Esquire**
*Acting United States Attorney
District of South Carolina*

Moderator: **Jennifer Coffin, Esquire**
*Sentencing Resource Counsel
Nashville, TN*

D. PLEA BARGAINING

- ◆ **Larry Allen Nathans, Esquire**
*Attorney at Law
Baltimore, MD*
- ◆ **Robert E. O'Neil, Criminal Division Chief**
*United States Attorney's Office
Middle District of Florida*
- ◆ **Charles A. Ross, Esquire**
*Attorney at Law
New York, NY*

Moderator: **Barry Boss, Esquire**
*Cozen O'Connor
Washington, DC*

11:45 - 1:15 p.m.

LUNCH

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FRIDAY (continued)
MAY 14, 2010

1:15 - 2:45 p.m.

CONCURRENT SESSIONS

**A. UPDATE ON FEDERAL SENTENCING LAW:
SUPREME COURT, APPELLATE AND LEGISLATION**

- ◆ **Amy Baron-Evans, Esquire**
*National Sentencing Resource Counsel to the
Federal Public & Community Defenders
Boston, MA*
- ◆ **Honorable Ruben Castillo**
*Vice Chair
United States Sentencing Commission*
- ◆ **Hannibal Kemerer, Esquire**
*Chief Counsel for the Senate Judiciary
Committee's Subcommittee on Crime and Drugs
Washington, DC*
- ◆ **Bobby Vassar, Esquire**
*Chief Counsel, U.S. House of Representatives
Washington, DC*

- ◆ **Jonathan Wroblewski, Esquire**
*United States Department of Justice
Washington, DC*

Moderator: **James E. Felman, Esquire**
*Kynes, Markman & Felman, P.A.
Tampa, FL*

B. BUREAU OF PRISONS ISSUES

- ◆ **Todd A. Bussert, Esquire**
*Attorney at Law
New Haven, CT*
- ◆ **Sonya Cole, Esquire**
*Assistant General Counsel
Designation & Sentence Computation Center
Federal Bureau of Prisons*

2:45 - 3:00 p.m.

BREAK

3:00 - 4:30 p.m.

CONCURRENT SESSIONS

**A. CHILD PORNOGRAPHY OFFENSES
AND THE ADAM WALSH ACT**

- ◆ **John L. Badalamenti, Esquire**
*Assistant Federal Defender
Middle District of Florida*
- ◆ **Donna Elm, Esquire**
*Federal Defender
Middle District of Florida*
- ◆ **Theodore Simon, Esquire**
*Attorney at Law
Philadelphia, PA*

Moderator: **Karen Landau, Esquire**
*Attorney at Law
Oakland, CA*

B. CHAPTER 3 ADJUSTMENTS

- ◆ **Lee Bentley, Esquire**
*Chief Assistant United States Attorney
Middle District of Florida*
- ◆ **James T. Skuthan, Esquire**
*Chief Assistant Federal Defender
Middle District of Florida*
- ◆ **Thomas Zeno, Esquire**
*Assistant United States Attorney
District of Columbia*

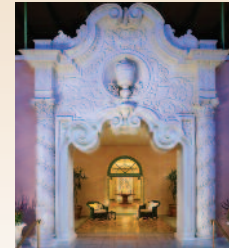
Moderator: **James W. Cooper, Esquire**
*Arnold & Porter, LLP
Washington, DC*

C. SENTENCING ALTERNATIVES

- ◆ **Honorable Shira Scheindlin**
*United States District Court
Southern District of New York*
- ◆ **United States District Court Judges
To be Announced**

4:30 p.m.

ADJOURNMENT



TUITION

NINETEENTH ANNUAL NATIONAL FEDERAL SENTENCING GUIDELINES SEMINAR

Wednesday, May 12, 2010 - Friday, May 14, 2010

- ◆ **Tuition** for all GOVERNMENT attendees is **\$300** if postmarked on or before April 12, 2010; **\$390** if postmarked on April 13, 2010, or later. **Tuition** for all NON-GOVERNMENT attendees is **\$390** if postmarked on or before April 12, 2010; **\$425** if postmarked on April 13, 2010, or later. **CREDIT CARDS ARE NOT ACCEPTED.**
- ◆ **Course Materials:** Course materials will be furnished at the seminar in the form of a compact disk (CD).
- ◆ **Guidelines Manual:** It is recommended that registrants bring their sentencing guidelines manual for reference during the seminar. Please be sure to write your name, address, and telephone number in your book.

COURSE MATERIALS

For those not attending the seminar, the cost for purchasing course materials on compact disk (CD) is **\$50**. Course materials are only offered as a computer disk (CD). Course materials will be mailed after June 4, 2010. Orders must be received on or before September 6, 2010. Orders received after this date will not be filled.

SEMINAR CANCELLATION POLICY

In the event you need to cancel your registration, there will be a full refund if a **written request** is received prior to April 12, 2010. There will be a \$100 service charge if the **written request** is received between April 13 - May 5, 2010. **THERE WILL BE NO REFUNDS AFTER MAY 5, 2010.** Substitutions may be made at any time and must be received in writing. **Please send your written request for cancellation or substitution to Kevin Napper, c/o Carlton Fields, P.A., Post Office Box 3239, Tampa, FL 33601.**

CLE INFORMATION

Application for pre-approval of CLE credit has been made to all state Bar Associations. Additional information will be made available closer to the date of the seminar.

HOTEL RESERVATIONS

All seminar registrants and speakers are eligible for discount room rates at the Renaissance Vinoy Resort, the host hotel, if reservations are made on or before April 19, 2010. Discount room rates are available for single or double occupancy as follows: Discount room rates are \$135 for non-government employees and \$101 for government employees. Rooms are limited and are taken on a first come, first served basis. Once the block of rooms is full, all other reservations made will be accepted upon availability at the published room rate at the time the reservation is made. Room reservations should be made directly with the hotel by calling **(800) 468-3571**. When making reservations, please indicate that you are attending the **Federal Sentencing Guidelines Seminar and indicate SEN for the three digit reservation code.**
Cancellations: Deposit is refundable if notice is received at least 24 hours prior to arrival and a cancellation number is obtained. **Rooms are limited. Each speaker and each attendee is responsible for making his or her own reservation.** Please make your reservations early to ensure your accommodations at the Renaissance Vinoy Resort.

Don't miss the Tampa Bay Rays versus the Seattle Mariners Baseball Game on Friday, May 14, 2010, at 7:00 p.m. at Tropicana Field (less than 2 miles away from Seminar Location). For ticket pricing call 1-888-FAN-RAYS or visit www.raysbaseball.com

REGISTRATION

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Please fill out this form to register for the Seminar. Tuition for all GOVERNMENT attendees is **\$300** if postmarked on or before April 12, 2010; **\$390** if postmarked on April 13, 2010, or later. Tuition for all NON-GOVERNMENT attendees is **\$345** if postmarked on or before April 12, 2010; **\$425** if postmarked on April 13, 2010, or later.

PROBATION OFFICER FEDERAL DEFENDER US ATTORNEY OTHER

I will attend the optional INTRODUCTORY SESSION on May 12, 2010, at no additional charge.

NAME: _____ DISTRICT/TITLE: _____

ADDRESS: _____

PHONE: _____ FAX: _____

E-MAIL: _____

PLEASE CHECK HERE IF YOU ARE A MEMBER OF THE NACDL (Members receive a \$50 discount)

Submit this portion along with check and/or purchase order to **REGISTER** for the seminar. **WE DO NOT ACCEPT CREDIT CARDS.** If paying with a purchase order, please fax the purchase order and registration form to: **Tampa Bay Chapter of the Federal Bar Association, c/o Kevin J. Napper, Carlton Fields, P.A., Post Office Box 3239, Tampa, FL 33601.** If paying with a check, please mail the registration form and check to: **Tampa Bay Chapter of the Federal Bar Association, c/o Kevin J. Napper, Carlton Fields, P.A., Post Office Box 3239, Tampa, FL 33601.** Please make checks payable to the TAMPA BAY CHAPTER OF THE FEDERAL BAR ASSOCIATION.

TO ORDER COURSE MATERIALS ONLY

_____ Check here to order Course Materials **ONLY**. Please complete the form below and mail to the address below with your check or purchase order in the amount of **\$50**.

NAME: _____ DISTRICT/TITLE: _____

ADDRESS: _____

TELEPHONE: _____

FACSIMILE: _____

E-MAIL: _____

Whether you are registering to attend the seminar or purchasing course materials, please detach and complete the appropriate form. Mail the completed form along with check or purchase order to: **Tampa Bay Chapter of the Federal Bar Association, Kevin Napper, Carlton Fields, P.A., Post Office Box 3239, Tampa, FL 33601**. All registrations and orders for course materials must be accompanied by a check or purchase order. **WE DO NOT ACCEPT CREDIT CARDS**. Please make checks payable to the TAMPA BAY CHAPTER OF THE FEDERAL BAR ASSOCIATION.

If you require additional information, please contact **Anderson Smith, c/o Carlton Fields, P.A., Post Office Box 3239, Tampa, FL 33601, (813) 229-4954** or by e-mail at asmith@carltonfields.com.

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