

2005

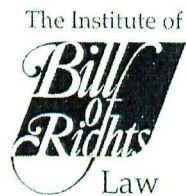
In Prison for 30 Years for Fraud: White Collar Sentencing After Booker (Program)

Institute of Bill of Rights Law at the William & Mary Law School

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**Institute of Bill of Rights Law
William & Mary School of Law**



Presents

***IN PRISON FOR 30 YEARS FOR FRAUD:
WHITE COLLAR SENTENCING AFTER BOOKER***



**Friday, March 25, 2005
9:30 am to Noon
Room 133**

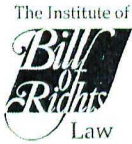
Context:

**IN PRISON FOR 30 YEARS FOR FRAUD:
WHITE COLLAR SENTENCING AFTER BOOKER**

In January, 2005, the U.S. Supreme Court decided in U.S. v. Booker that the U.S. Sentencing Guidelines are advisory, not mandatory. That may be good news for some defendants whose sentences were on appeal at the time of the Court's ruling. Or it may be bad news.

One of the defendants who is now likely to be resentenced is Jamie Olis, who was sentenced last year to 24 years in federal prison for his role in a fraudulent accounting scheme at Dynegy, Inc. His appeal was argued in the Fifth Circuit in February. As it now stands, Olis' sentence is the longest sentence ever imposed for securities fraud. But, as we know, Bernie Ebbers is now facing a sentence of up to 80 years.

On Friday, March 25, the Institute of Bill of Rights Law will sponsor a half-day conference on white-collar sentencing after Booker. With the Guidelines now advisory, are white-collar sentences likely to look different than they did prior to Booker? Shorter? Longer? What can we predict about the sentence for Bernie Ebbers? If convicted, what will be the appropriate sentence for Richard Scrushy? Ken Lay?



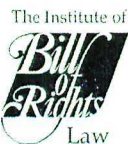
IN PRISON FOR 30 YEARS FOR FRAUD:

WHITE COLLAR SENTENCING AFTER BOOKER

Friday, March 25, 2005
Schedule

- 9:30 a.m. *Welcome and Background Information*
Jayne W. Barnard
- 9:45 a.m. *Background on Economic Crimes Under the Federal Sentencing Guidelines: The Economic Crime Package and the Sarbanes-Oxley Act*
Frank Bowman
- 10:05 a.m. *Comments and Q&A*
- 10:15 a.m. *White Collar-Plea Bargaining and Sentencing After Booker*
Stephanos Bibas
- 10:40 a.m. *Comments and Q&A*
- 10:50 a.m. *Break*
- 11:00 a.m. *There And Back Again: How the Nine Embarked on a Great Adventure to Blakely's Fiery Mountain and Found Themselves Right Back at the Door Where it Began*
Frank Bowman
- 11:25 a.m. *Comments and Q&A*
- NOON *Program closes*





***IN PRISON FOR 30 YEARS FOR FRAUD:
WHITE COLLAR SENTENCING AFTER BOOKER***

Speakers:

*Stephanos Bibas
Associate Professor of Law
University of Iowa College of Law*

*Frank O. Bowman
M. Dale Palmer Professor of Law
Indiana University – Indianapolis
Reporter for the ABA “Justice Kennedy Commission” on Sentencing*

Commentators:

*Jayne W. Barnard
James Goold Cutler Professor of Law
William & Mary School of Law*

*Howard Zlotnick
Assistant U.S. Attorney
Eastern District of Virginia*



IN PRISON FOR 30 YEARS FOR FRAUD: WHITE COLLAR SENTENCING AFTER BOOKER

Who's Who

Stephanos Bibas is an Associate Professor at the University of Iowa College of Law, where he teaches and writes extensively about criminal law, criminal procedure, and sentencing. A graduate of Columbia College and Yale Law School, Professor Bibas served as a law clerk to the Hon. Patrick Higginbotham on the U.S. Court of Appeals for the Fifth Circuit and to the Hon. Anthony Kennedy on the Supreme Court of the United States. He litigated a wide variety of cases as an associate at Covington & Burling in Washington, D.C. He prosecuted more than 100 criminal cases as an Assistant U.S. Attorney at the U.S. Attorney's Office for the Southern District of New York, most notably winning the conviction of the world's leading expert in Tiffany stained glass for hiring a grave robber to steal priceless Tiffany windows from cemeteries. His articles and other publications have appeared in the Harvard Law Review, Yale Law Journal, Stanford Law Review, Michigan Law Review, Cornell Law Review, Iowa Law Review, Utah Law Review, Journal of Criminal Law and Criminology, and Federal Sentencing Reporter.

Frank Bowman is the M. Dale Palmer Professor of Law at Indiana University School of Law – Indianapolis. He is a former federal and state prosecutor (Trial Attorney, Criminal Division, U.S. Department of Justice, 1979-82; Deputy District Attorney, Denver, Colorado, 1983-87; Assistant U.S. Attorney, S.D. Florida, 1989-96) and a former Special Counsel to the U.S. Sentencing Commission (1995-96). He is co-author of Haines, Bowman & Woll, Federal Sentencing Guidelines Handbook (West 2004), co-editor of the Federal Sentencing Reporter, and author of numerous articles on federal sentencing law. Professor Bowman was particularly involved in formulating the "economic crime package" of amendments to the Federal Sentencing Guidelines passed in November 2001, including serving as academic advisor to the Criminal Law Committee of the U.S. Judicial Conference. In 2002-2003, he testified before the Senate Judiciary Committee and the U.S. Sentencing Commission regarding the criminal provisions of the Sarbanes-Oxley Act and the sentencing guidelines amendments mandated by the Act. Since July 2004, he has testified before the House and Senate Judiciary Committees and the U.S. Sentencing Commission about the impact of *Blakeley v. Washington* and *United States v. Booker* and possible legislative responses to those decisions.