

**2019 District Conference  
“Independence & the Courts”  
Friday, October 18, 2019**

**Morning Plenary - 9:10 to 10:00 a.m.**  
**Narragansett Ballroom A & B, 1<sup>st</sup> Floor**

**1 CLE credit**

*Circuit Judge David Barron of the Court of Appeals for the First Circuit will present an overview of the Judiciary’s history and independence.*

**Morning Breakout Sessions - 10:15 a.m. to 12:00 p.m.**

**Civil Breakout**  
**Narragansett C, 1<sup>st</sup> Floor**

**1.5 CLE credits**

***“Threats to Judicial Independence”***

*The conventional wisdom is that federal judges, protected by life tenure, and by extension of the entire federal judiciary, can go about their jobs free from political pressure. This panel brings together academic and practicing lawyers, and a federal judge, to discuss whether this appearance of independence is accurate as a matter of history, as well as what forces in our political and legal systems might be working to erode that independence. Among the topics that may be discussed are proposals to change the Supreme Court of the United States (by imposing term or age limits or increasing the size of the Court), the sharp increase in partisan behavior in the Senate’s “advice and consent” process, and the effectiveness of existing judicial discipline procedures to control allegations of misbehavior by federal judges. A question and answer session concludes the program.*

**Panel:** Honorable Allison Dale Burroughs  
Professor Steven Calabresi  
Professor Tara Leigh Grove  
Matt Wessler, Esq.

**Moderator:** Professor David Logan

**Criminal Breakout**  
**Providence Ballroom, 3<sup>rd</sup> Floor**

**1.5 CLE credits**

***“The First Step Act’s Sentencing Reforms: How Will Increased Judicial Independence Further the Basic Aims of Fundamental Fairness in Sentencing?”***

*Prior to the Sentencing Reform Act of 1984, federal sentences were both indeterminate and heavily dependent on the broad discretion of district court judges. Moreover, parole boards determined the amount of time prisoners actually served. In response, the Sentencing Reform Act of 1984 and the Sentencing Guidelines were enacted in an attempt to achieve honesty in sentencing, reasonable uniformity, and proportionality. However, those*

*measures also diminished judicial discretion and caused a devastating increase in the federal prison population that disproportionately affected people of color. With the enactment of the First Step Act, the pendulum continues to swing back toward increased judicial independence in sentencing through the broadening of the “safety valve” exception, making the Fair Sentencing Act retroactive, and creating a modified compassionate release procedure. It reduces mandatory minimum sentences for nonviolent drug offenses and eases the notorious “three strikes” rule. In addition, the First Step Act marks a departure from truth in sentencing by delegating discretion to the Bureau of Prisons to significantly reduce a prisoner’s sentence based on the completion of prison work programs. It also envisions programs to reduce recidivism and expands the limit on “good time credit”.*

*During this session, the panelists will discuss the First Step Act’s sentencing reforms and how to reap the benefits of judicial discretion in sentencing while avoiding the pitfalls that led us to a flawed indeterminate sentencing model of an earlier period.*

**Panel:** Honorable Paul Cassell  
Honorable Nancy Gertner  
U.S Attorney Aaron Weisman  
Senator Sheldon Whitehouse  
**Moderator:** Dean Michael Yelnosky

**Luncheon with David Boies, Esq. - 12:15 to 1:45 p.m. 1.5 CLE credits**  
**Narragansett Ballroom A & B, 1<sup>st</sup> Floor**

*Our featured speaker, David Boies, Esq. of Boies Schiller Flexner LLP of Washington DC, will discuss his philosophies and practices utilized during his practice of law and his remarkable career accomplishments - Westmoreland v. CBS, the landmark 1<sup>st</sup> Amendment case; US v. Microsoft; Bush v. Gore; and Hollingsworth v. Perry.*

**Immigration Program - 2:00 to 3:30 p.m. 1.5 CLE credits**  
**Providence Ballroom, 3<sup>rd</sup> Floor**

***“Immigration and the Judiciary - Where We Were Then & Where We Are Now”***

*This session will explore the history of immigration judges to better understand how we arrived where we are today. This panel will focus on the 4th and 5th Amendment implications of prolonged detention cases and the lack of legal representation for asylum seekers, as well as the wide geographical disparities for granting asylum. Finally, this panel will discuss the role of federal courts in reviewing decisions of immigration judges.*

**Panel:** Professor Elizabeth Badger  
Professor Mary Holper  
Honorable Paul Schmidt  
Honorable O. Rogeriee Thompson  
**Moderator:** Carl Krueger, Esq.

**Afternoon Plenary - 3:45 to 5:00 p.m.**  
**Narragansett Ballroom A & B, 1<sup>st</sup> Floor**

**1.5 CLE ethics credits**

***“Judges Roundtable Discussion: Culture and Conduct”***

*Rhode Island’s federal court judges will discuss current issues in the judiciary with a focus on workplace conduct. The roundtable will include an overview of the steps the judiciary is taking to encourage civility in the workplace and why it is important to sustain diversity among those practicing before the court. The judges will emphasize that encouraging civil and diverse practice is not only efficient but also a moral and professional responsibility drawing on the policy statements of the Chief Justice of the U.S. Supreme Court. This will be followed by a question and answer and discussion period.*

**Panel:** Honorable William E. Smith  
Honorable John J. McConnell, Jr.  
Honorable Mary S. McElroy  
Honorable Lincoln D. Almond

**Reception to follow - 5:00 to 6:00 p.m.**  
**Narragansett Pre-Function, 1<sup>st</sup> Floor**