

UNDERSTANDING DRUG SENTENCING

and its Contributions to Mass Punishment

The Ohio State University, Columbus, Ohio

Understanding Drug Sentencing Symposium | Agenda

Thursday, October 7

Location: ZOOM

11 a.m. – 12:15 p.m.

Panel 1: Mandatory Minimums and Trial Penalties as Weapons in the Drug War

Though mandatory minimum sentencing provisions are applicable in a variety of contexts, their use (and the trial penalties they often produce) are especially common in state and federal drug cases. This panel will include professors, advocates and impacted individuals discussing the problematic impact of mandatory minimums in drug prosecutions and explore viable avenues for reform.

Moderator:

Douglas A. Berman, Professor and Newton D. Baker-Baker & Hostetler Chair in Law, Director, Drug Enforcement and Policy Center, Moritz College of Law, The Ohio State University

Panelists:

Erik Luna, Amelia D. Lewis Professor of Constitutional and Criminal Law, Sandra Day O'Connor College of Law at Arizona State University

Mary Price, General Counsel, FAMM

Welden Angelos, Advocate, Music producer, The Weldon Project

12:15 – 12:30 p.m.

Break

12:30 – 2:00 p.m.

Inaugural 2021 Menard Family Lecture on Drug Policy and Criminal Justice with former U.S. Attorney General Eric H. Holder, Jr. and Piper Kerman, author of *Orange is the New Black*

Moderator:

Douglas A. Berman, Professor and Newton D. Baker-Baker & Hostetler Chair in Law, Director, Drug Enforcement and Policy Center, Moritz College of Law, The Ohio State University

Panelists:

The Honorable Maureen O'Connor, Ohio Supreme Court Chief Justice

The Honorable Algenon L. Marbley, Chief U.S. District Judge for the Southern District of Ohio.

2:00 – 2:15 p.m.

Break

2:15 – 3:30 p.m.

Panel 2: The Biden Clemency Crisis

Even with a bipartisan consensus in favor of mitigating harsh drug sentences, particularly in drug cases, over 15,000 clemency petitions are languishing in the federal system, a record number. This panel of experts, including one who was formerly incarcerated, will discuss the gravity of the situation and its historic context.

Moderator:

Mark Osler, Professor and Robert and Marion Short Distinguished Chair in Law, University of St. Thomas Law School

Panelists:

Rachel Barkow, Vice Dean, Professor of Law, NYU Law

Premal Dharía, Executive Director, Institute to End Mass Incarceration, Harvard Law School

Jason Hernandez, Founder, Crack Open the Door

Friday, October 8

Location: ZOOM

11:00 a.m. – 12:15 p.m.

Panel 3: Sentencing Criteria as Crazy-maker in Drug Cases

Sentencing schemes typically use several criteria, such as weight or proximity to school, that have little to do with actual culpability in many cases. This group of experts will discuss the problem and look to a better system.

Moderator:

Mark Osler, Professor and Robert and Marion Short Distinguished Chair in Law, University of St. Thomas Law School

Panelists:

Oren M. Gur, Director of Research, Policy Advisor, Director of District Attorney's Transparency Analytics (DATA) Lab, Office of District Attorney Larry Krasner

The Honorable Nancy Gertner, Judge (Ret.), U.S. District Court for the District of Massachusetts; Senior Lecturer on Law, Harvard Law School

Mona Lynch, Department Chair, Chancellor's Professor of Criminology, Law and Society and Law, UC Irvine

12:15 – 12:20 p.m.

Break

12:20 – 1:35 a.m.

Panel 4: Reimagining an Antiracist Approach to Drug Sentencing

It is well known that drug law and policy in the United States has had profoundly inequitable consequences for communities of color. This panel will explore the racial disparities in drug arrests, prosecution, and sentencing outcomes. However, rather than presenting the data that has become familiar to many, panelists will present their take on a reimagined approach to drug sentencing - one that fulfills the antiracist goals of racial equity.

Moderator:

Jelani Jefferson-Exum, Dean and Philip J. McElroy Professor of Law, University of Detroit Mercy

Panelists:

Sean Hill, Assistant Professor of Law, The Ohio State University, Moritz College of Law

Addie Rolnick, Professor of Law, University of Nevada, Las Vegas, William S. Boyd School of Law

Jessica Eaglin, Associate Professor of Law, Indiana University School of Law

1:35 – 1:45 p.m.

Break

1:45 – 3:00 p.m.

Panel 5: What Other Alternatives? Thinking Beyond Drug Courts and Sentencing

Drug courts are often presented as the only alternative to incarceration for people suffering from substance use disorder. But while drug courts present benefits, there are also drawbacks. The panel of experts will discuss the advantages and disadvantages of alternative courts broadly and provide specific ideas on re-conceptualizing drug courts and creating other alternatives to sentencing.

Moderator:

Valena Beety, Professor of Law and Deputy Director of the Academy of Justice, Sandra Day O'Connor College of Law

Panelists:

Michael Collins, Strategic Policy and Planning Director, Office of the State's Attorney for Baltimore City

Kerwin Kaye, Associate Professor of Sociology, Wesleyan University

David Lucas, Clinical Advisor/Senior Program Manager, Center for Court Innovation

Sherry Boston, District Attorney, DeKalb County, Georgia

Kenneth Matthews, Peer Support Specialist, West Virginia State University