



CHARTER

PRACTITIONERS ADVISORY GROUP

SECTION 1. PURPOSE.

- (a) The Practitioners Advisory Group (the “PAG”) is a standing advisory group to the United States Sentencing Commission (the “Commission”) under 28 U.S.C. § 995 and Rule 5.4 of the Commission’s Rules of Practice and Procedure.
- (b) The purpose of the PAG is—
 - (1) to assist the Commission in carrying out its statutory responsibilities under 28 U.S.C. § 994(o);
 - (2) to provide to the Commission its views on the Commission’s activities and work, including proposed priorities and amendments;
 - (3) to disseminate to defense attorneys, and to other professionals in the defense community, information regarding federal sentencing issues; and
 - (4) to perform other related functions as the Commission requests.

SECTION 2. VOTING MEMBERS.

- (a) The PAG shall have 17 voting members, of which—
 - (1) 1 shall be Chair, and 1 shall be Vice Chair;
 - (2) 12 shall be circuit members (1 for each federal judicial circuit other than the Federal Circuit); and
 - (3) 3 shall be at-large members.
- (b) Each voting member shall be appointed for a term of three years, except that the terms of the initial voting members appointed after the adoption of this Charter shall be staggered so that—
 - (1) the initial Chair shall serve a term of three years, and the initial Vice Chair shall serve a term of two years;
 - (2) of the initial circuit members, 4 shall serve a term of three years, 4 two years, and 4 one year; and
 - (3) of the initial at-large members, 1 shall serve a term of three years, 1 two years, and 1 one year.

- (c) When a voting membership becomes vacant before the expiration of the term, an appointment shall, wherever practicable, be made to complete the unexpired term.
- (d) Each voting member shall be appointed by the Commission after considering any comments and recommendations made as provided by this section. The Commission intends to openly solicit applications for membership and to request chief district court judges and chief circuit court judges to recommend individuals from their respective circuits for membership.
- (e) The initial appointments to voting membership after the adoption of this Charter shall be made as follows:
 - (1) The initial Chair and Vice Chair shall be appointed first.
 - (2) For each initial voting membership, the Chair and Vice Chair may jointly recommend up to three individuals.
 - (3) The Commission shall, wherever practicable, provide an opportunity to the Chair and Vice Chair to comment jointly on individuals who have applied or been recommended.
- (f) For each appointment to a voting membership, the voting members may collectively recommend up to three individuals. The Commission shall, wherever practicable, provide an opportunity to the voting members to comment collectively on individuals who have applied or been recommended.
- (g) Each voting member shall be an attorney who—
 - (1) devotes a substantial portion of his or her professional work to advocating the interests of privately-represented individuals, or of individuals represented by private practitioners through appointment under the Criminal Justice Act of 1964, within the federal criminal justice system;
 - (2) has significant experience with federal sentencing or post conviction issues related to criminal sentences; and
 - (3) is in good standing of the highest court of the jurisdiction or jurisdictions in which he or she is admitted to practice.
- (h) A circuit member's primary place of business or a substantial portion of his or her practice must be in the circuit concerned.
- (i) An individual who serves two consecutive terms as a voting member is not eligible to serve as a voting member during the following year.
- (j) A voting member of the PAG may be removed by the Commission prior to the expiration of the member's term for failure to comply with the duties and responsibilities described in this Charter, including excessive absenteeism from meetings, persistent lack of participation in meetings or activities of the PAG, poor performance of duties, and disruptive behavior.

SECTION 3. NONVOTING MEMBERS.

- (a) The PAG shall have as many nonvoting members as the Chair and Vice Chair consider appropriate. Each nonvoting member shall be appointed by the Chair and Vice Chair, after approval by a majority of the voting members.
- (b) A nonvoting member shall be appointed for a term of one or two years, as the Chair and Vice Chair consider appropriate.
- (c) A nonvoting member must be an individual who devotes a substantial portion his or her professional work to advocating the interests of privately-represented individuals, or of individuals represented by private practitioners through appointment under the Criminal Justice Act of 1964, within the federal criminal justice system.
- (d) The nonvoting membership collectively should have geographic diversity and should have expertise in federal sentencing or post conviction issues related to criminal sentences.
- (e) A nonvoting member of the PAG may be removed by the Chair and Vice Chair prior to the expiration of the member's term for failure to comply with the duties assigned to such member.

SECTION 4. CHAIR AND VICE CHAIR.

- (a) The PAG shall have a Chair and Vice Chair. The Chair shall share or allocate the Chair's responsibilities with the Vice Chair as the Chair considers appropriate.
- (b) The Chair and Vice Chair shall serve at the pleasure of the Commission.
- (c) The Chair shall—
 - (1) preside at meetings of the PAG and collaborate with Commission staff in the development of meeting agendas of the PAG;
 - (2) serve as the liaison to the Commission and communicate with members of the PAG when necessary;
 - (3) after consultation with members of the PAG, coordinate the development and presentation of positions of the PAG to the Commission; and
 - (4) form committees as needed.
- (d) The Chair shall submit to the Commission a roster of all voting members and nonvoting members at least once per year, and any change in membership promptly after the change is made.

SECTION 5. MEETINGS.

- (a) The PAG shall meet not less than twice per year while there is a quorum of commissioners serving on the Commission. Meetings of the PAG may be held at the offices of the Commission in Washington, D.C., or may be held at another location in conjunction with a Commission meeting, program, or other event.
- (b) Members of the PAG may participate in meetings from remote locations by electronic means, such as telephone, satellite, and video conference devices.
- (c) Action by the PAG requires the affirmative vote of a majority of the voting members at a meeting at which at least a quorum is participating. A quorum consists of a majority of the voting members then serving.

SECTION 6. SUSPENSION OR AMENDMENT OF CHARTER PROVISIONS.

The Commission may suspend or amend any provision of this Charter as the Commission considers appropriate.