

**PREPARED TESTIMONY**  
**of**  
**Thomas F. Hogan**  
**Chief Judge, United States District Court for the District of Columbia**  
**and**  
**Member, United States Judicial Conference Executive Committee**  
**before the**  
**United States Sentencing Commission**

**February 15, 2005**

Chairman Hinojosa, Members of the Commission, thank you for inviting me to testify today about the impact on the Federal Judiciary of the Supreme Court's decision in *United States v. Booker*.

My remarks this afternoon will be necessarily limited because the United States Judicial Conference has not yet taken an official position on sentencing in the wake of the *Booker* decision, so I speak today as an individual United States District Court judge and not on behalf of the Federal Judiciary, although I am a member of the Executive Committee to the Judicial Conference.

As you know, the Judicial Conference is the principal policy making body of the United States Courts and, as such, speaks for the entire Federal Judiciary, pursuant to 28 U.S.C. § 331. Although the Conference has not yet had the opportunity to consider

and approve a position, it is well aware of the significance of the *Booker* decision and is considering its potential impact upon the Federal Judiciary.

Pursuant to Conference procedure, all matters to go before the Judicial Conference are considered by the appropriate committee prior to Conference consideration. Consistent with that practice, the Judicial Conference's Criminal Law Committee has taken the lead and is now hard at work developing policy recommendations for the Conference's consideration.

The Criminal Law Committee is coordinating its efforts with the Rules Committee and has called a special meeting on February 14 and 15, 2005, (part of which will be a joint session with the Sentencing Commission) to discuss the *Booker* and *Fanfan* decisions. The chair of the Rules Committee, Judge David Levi, will participate in that special meeting. The Criminal Law Committee has asked for substantial staff work and empirical data, which will be studied carefully in developing its recommendations. We anticipate the Committees' recommendations will be considered at the March 15, 2005, meeting of the Judicial Conference.

With respect to the decision's impact on the workload and budget of the courts, the Administrative Office of the United States Courts (AO) is monitoring those factors closely and may, if necessary, submit a supplemental appropriation request. However, it is still too early to measure accurately the impact of the decision because the courts of

appeals are just beginning to render decisions interpreting the Supreme Court case, and district judges are just beginning to resentence defendants. It is evident there will be some impact on our budget but it is not possible to quantify it at this early date.

Throughout this all, the AO, the Criminal Law Committee, and other committees of the Judicial Conference will be closely monitoring any developments and will make appropriate recommendations to the Conference, when needed.

In conclusion, I can assure you that the judiciary is committed to reaching out and working cooperatively with the Department of Justice, the Sentencing Commission, and the Congress, as we all move forward in the aftermath of the *Booker* decision.

Thank you again for inviting me to be here today.