

Judge Diana E. Murphy, Chair
United States Sentencing Commission
One Columbus Circle, NE
Suite 2-500
Washington, DC 20002-8002

Dear Judge Murphy:

Thank you for the opportunity to comment on the proposed ad hoc advisory group regarding the Organizational Sentencing Guidelines. I think this is an excellent idea. I was the Supreme Court Judicial Fellow at the United States Sentencing Commission from August 1998 to August 1999, and I worked with Paula Desio, almost exclusively on Chapter 8 questions. I have written a number of law reviews, business articles and one book focusing on the Organizational Guidelines. I have maintained my relationship with the Commission as a guest speaker at your jointly sponsored regional workshops with the Ethics Officer Association, and yesterday I was named as the first director of Xavier University's Williams College of Business' newly established Ethics Center.

My research and work on Chapter 8 has confirmed the impact they have had on the business world. November 1, 1991 will be remembered as the day that corporate America could truly say "Good Ethics is Good Business". Prior to the Guidelines, there was tremendous pressure at all levels of business to do whatever it took (regardless of law or ethics) to maximize profits. Executives may have been sending this message explicitly or implicitly because the probability of detection was low, and the punishment, even if detected, seemed worth the risk. After the Guidelines were introduced, top executives saw the business value of "values". Of course they still need to maximize profits, but now the message is sent to only use legal and ethical means to accomplish this goal. This corporate commitment to compliance and ethics programs has been clearly demonstrated by the exponential growth in the Ethics Officer Association, a group that did not exist before the 1991, but now has over 750 members.

The ten year anniversary of the Guidelines seems to be an appropriate time to reflect back on the accomplishments, and review possible changes to make them even more useful in the future. An ad hoc advisory committee can help in this regards. Outside practitioners and academics can lend their talent to surface potential issues and suggest possible solutions. I for one, would be honored to help in any capacity that was appropriate.

Please let me know if there is anything I can do in this endeavor.

Sincerely,

Paul E. Fiorelli

Director,
Xavier Center for Business Ethics and Social Responsibility