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VIA FEDERAL EXPRESS

Mr. Michael Courlander
Public Affairs Officer
United States Sentencing Commission
1 Columbus Circle, N.E.
Suite- 2-500, South Lobby
Washington, DC 20002-8002

Re: Sentencing Guidelines

Dear Mr. Courlander:

I am writing to comment on the report recommendations of the Ad Hoc Advisory Group on Organizational Guidelines for amendment of Chapter 8 of the sentencing guidelines for organizations. I am an attorney in private practice and an adjunct law professor. As a principal in my firm, I represent public and closely held corporations in employment discrimination and labor cases. In addition, I act as outside counsel to the Ombuds Association and University and College Ombudsman Association although, this letter is written in my individual capacity not as a representative of any party or of my firm.

As an attorney rendering advice to corporations regarding compliance with federal laws, I am aware of the federal sentencing guidelines and the positive role they have in encouraging corporate compliance with the law. There is one suggestion I would like to make, however, regarding proposed Section 8B2.1(b)(5)(c) which provides that an "organization shall take reasonable steps... (C) to have a system whereby the organization's employees and agents may report or seek guidance regarding potential or actual violations of law that without fear of retaliation, including mechanisms to allow for anonymous reporting." While at first glance this amendment is clearly worthwhile, I would suggest that it should go further.

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As a corporate litigator, I have repeatedly seen instances where an alleged victim of corporate misconduct has come forward only after they have quit or have been terminated. The employer in such cases has often been denied an opportunity to informally remedy the alleged problems or even to properly investigate what is alleged to have gone on. The alleged victim may have suffered in silence longer than necessary. Thus, the ability of an employee not only to anonymously report alleged misconduct or problems, but also to seek guidance and correction of problems in a confidential manner significantly increases the likelihood of a speedy remedy for individuals concerned and corporate attention to these problems at an earlier stage.

While I understand that the Advisory Group did not want to dictate specific means by which an organization should accomplish the requirements proposed by the changes to the Guidelines, my work with the Ombuds groups noted above, and in practice, leads me to believe that, at the very least, the amendment should support confidential means for individuals to seek guidance and speedy correction of their problems in confidence without fear of retaliation.

Thank you for your attention to this matter.

Very truly yours,



Richard L. Steer

RLS/ps

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