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Is technological replacement of lawyers possible?

The legal industry has seen much technological change over the past decade especially in areas of e-discovery and online marketing. Computerisation has already changed the medical profession and professional journalism following the rise of Internet media

Automation Creep is inevitable

Technological developments have already changed legal practice in areas such as legal research and discovery. Lawyers no longer need to review discovery documents by hand. A lawyer still needs to review case law or dig through discovery, but he/she does so speedily, by using computers.[1] The question is whether huge legal databases do include all relevant caselaw although how to find them is still the problem. just Automation could someday remove much of the work lawyers do.

Discovery, legal research and document generation

Computers can already generate legal documents and predict outcomes in litigation. More computerisation means more automation. There are areas of law which computers already perform- areas such as discovery; legal research; document generation; brief and memo writing and predicting trial outcomes, whether correctly or not is another matter.
But, basically computers cannot do all the tasks that make practicing law fun.
There is room for some healthy pondering. Medical diagnosis has been computerised but computers have just begun to replicate complex human activities. Robot journalists, for example, can now write an average news item. But for programs seeking to replace skilled work, subtext, nuance and refined decision making, there is still much work to be done.

Would a lawyer, want to put a computer in charge of their voir dire? Never.

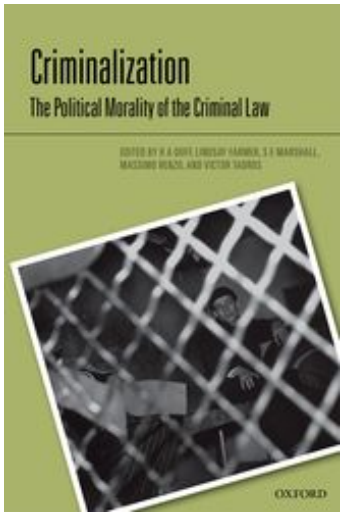
[1] WestlawNext today and since its introduction on 8 February 2010, has made lawyers' lives less complicated, and will be rolled out to all Westlaw subscribers on 31 August 2015 with online, in-person, or telephone support. As the primary Thomson Reuters platform for legal research, WestlawNext is the focus of a new line of collaborative, matter-centric workflow solutions. The difference between the old Westlaw and the unilateral WestlawNext has been set out: There is now WestSearch available, a search engine designed for law that incorporates 125 years of proprietary analysis of the law. WestlawNext has mobile access (although apps are not yet in place) and tools to enable research to be shared and managed.. Research shows that it is three times as fast as Westlaw was.

IT lawyer fans acknowledge that there are plenty of tasks automation will not be able to replicate because some areas of law are too complex to be managed by an algorithm but for lawyers whose practice is largely managing routine, boilerplate matters, computers are increasingly used and will take over.

ENDS+

CRIMINALIZATION

The Political Morality of the Criminal Law
R A Duff, L Farmer, SE Marshall, M Renzo and V Tadros (Editors)
OXFORD UNIVERSITY PRESS (2014)
ISBN 978 0 19 872635 7
Book review by Sally Ramage



Criminalization

This most interesting law book published by Oxford University Press consists of eleven chapters contributed by R A Duff; L Farmer; S E Marshall; M Renzo; V Tadros; J Chalmers; F Leverick; J. Horder; P Pettit; S Dimock; MS Moore; D Husack; A Bottoms and L Wacquant. All contributors are academics based in the United Kingdom apart from Susan Dimock (Canada); Philip Pettit (Australia); Douglas Husak, Michael S Moore and Loic Wacquant (United States).

Criminal law worldwide is a very emotive subject in itself and this book is an academic, philosophical criminal law, its components and direction, will surely stimulate more discussion and thought as to criminal law's direction. It is not for undergraduates but postgraduates who are learning to critically analyse their subject matter.

It is said that criminal offences now number some several thousands and there is one group of believers who think that this represents overcriminalization, which now covers a vast proportion of commercial matters, rather than the common law crimes as were known. The result is a need for more and more guidelines to black letter law, which in themselves are not the law.

Mala prohibita

Chapter 6 by Susan Dimick deals with *mala prohibita* offences and compares them to *mala in se* offences. She states that criminal law theory concerns what justifies the use of *mala prohibita* offences and queries whether there is a meaningful distinction to be drawn at all, although most criminal law theorists continue to employ the distinction.[2]

"Blacks and crime"

Chapter 10 by Wacquant is titled 'Marginality, ethnicity and penality: a Bourdieusian perspective of criminalisation', a topic which most people in the UK are familiar with, when clothed in the basic terms of police treatment of youths of ethnic minority who experience police stop and search orders more than anyone else in Britain, for example and police in the United States ("US") more ready to shoot at black youths than at others,[3] and some criminal theorists argues that argument that the pervasive sense of cultural resistance in the African American community must be considered by criminal theorists as, at least, a partial explanation of 'criminality' within the African American community, because, woven into

[2] This chapter discusses the 'Contractarian theory', the theory of exchange which rests on an implicit assumption that property rights exist and are enforced without cost. See Goran Skogh and Charles Stuart,(1982) 'The Contractarian Theory of Property Rights and Crime', Scandinavia*n Jrnl of Econ.*, 84 (1), pp 27-40.
[3] Gardner, T. (1999), 'Delinquent: Crime, deviance, and resistance in black America', Social Sciences Research Network- paper from *Harvard University Black Letter Law Journal*. Trevor Gardner, University of Michigan, Ann Arbor, 1999; J.D., was also a Harvard Law School graduate (2003).

the fabric of African American culture is a vital oppositional element.

Dr Trevor Gardner stated that *'popular conceptions of deviance often fall prey to very basic ideas of immorality, failing to realize that deviance—by strict definition—describes a separation between the separation between the labeled deviant and the mainstream American culture'*. His theory was that crime committed by black youth was *'part of a greater cultural and political struggle between African Americans and mainstream culture, and consequently a subject of the "deviance" label'*. He discussed the matter on the basis that neither the word crime nor the word deviance would take on their popular connotation, and maintained that *'in the context of political struggle, viewpoints as to the legitimacy of crime depend heavily on perspective'*.

Trevor Gardner was a legal theorist like the contributors to this book. In his paper, he rejected the legal theorist Eleanor Brown's article *'Oppositional Culture'* in the *New York University Law Review*.

Eleanor Brown wrote that youth oppositional culture must be counteracted. Her primary weapon wielded in this cultural battle was Afrocentric education. She constructed her proposal around the writings of Supreme Court Justice Clarence Thomas in the caselaw *Missouri v Jenkins* in which Justice Thomas stated that integration was the most effective method of securing educational equity in America. Trevor Gardner criticized Eleanor Brown in much the same way as chapter 10 does.

Wacquant stated in chapter 10 at page 271, which he wrote that his chapter aims to do:

> *'…to activate communication among three clusters of researchers who usually do not encounter one another and therefore do not talk to each other or do so too rarely and from a distance. In the first corner we have people who study 'class fragmentation in the city' in the wake of the crumbling of the traditional working class which issued from the Fordist and Keynesian era under the press of reindustrialization, the rise of mass unemployment, and the diffusion of labour precarity, under the 'erosion of the wage-earning society'…. and the 'unfinished genesis of the post-industrial precariat'…the second group are studying the foundations, forms and implications of ethnic cleavages…in the third corner is…a group of criminologists and assorted specialists in*

criminal justice issues. They burrow away with zeal the closed perimeter nod the 'crime and punishment' duet, which is historically constitutive of their discipline and continually reinforced by political and bureaucratic demand'.

Chapter 11 by S.E.Marshall, concentrates on the victims of crime, where all theories seem unimportant in the face of what criminal acts do to victims and where out instinctive reaction is for punishment, but thankfully not through trial by ordeal in ancient times.[4] The crucial point to remember is that over 90% of offences relate to compliance, regulation and corporations in general and te days r gone when trial by ordeal could even be considered. Today offences, for example, fraud offences are prosecuted against companies in the main. Fraud is a socio-legal concept of much complexity. There is no such thing as fraud in a very abstract philosophical notion, but pragmatically there are frauds and there are fraudsters. There is no such cause of fraud as such, only different types of fraud committed by disparate fraudsters. Fraud, like all crime, is a result of a combination of psychological and sociological factors. [5] There has been no follow-up study of fraudsters whether after psychiatric or medical treatment or after release into society. That society exists is *sui generic*.[6] It is built up of a number of parts, which together interweave to create solid social structures. These structures are our institutions,

Crime lends itself to much debate, now more than ever because of the ease of cross-border passages and transactions. **Sir Norwood East**, in his book *Society and the Criminal*[7] (pg 320) puts weight to this argument when he stated:

'One of the most important causes of persistent criminality is habit, the stereotyped form of response to environmental circumstances and subjective conditions acquired by repetition.

[4] The test the test was one of life or death and the proof of innocence was survival. In some cases, the accused was considered innocent if they escaped injury or if their injuries healed. In medieval Europe, like trial by combat, trial by ordeal was considered a *judicium Dei* or procedure based on the premise that God would help the innocent by performing a miracle on their behalf. Priestly cooperation in trials by fire and water was forbidden by Pope Innocent III at the Fourth Lateran Council of 1215 and replaced by compurgation, later by inquisition. Trials by ordeal became rare over the Late Middle Ages, but the practice was not discontinued until the 16th century.

[5] In 1949, Elliot in her book "Crime and Modern Society" stated (pg 137) "Professional crime is a business, a means of making money while engaged in activities specifically forbidden by law."

[6] This term basically means that something has very special characteristics. They are so special, that the thing cannot really be compared to anything else. It is used in various contexts. The term was invented by philosophers. What they originally wanted to say was that an idea is so specific as to be unique, that it cannot really be part of a broader concept.

[7] Sir Norwood East (1960) *Society and the Criminal*, London: HMSO.

Habits enable many persons to face difficulties and conserve energy, but they may impose upon a tough-minded person action which takes the line of least resistance and a vicious circle may result: a particular situation arises, the consequential difficulty is repeatedly avoided and a crime is repeatedly committed.'

Crime and mental illness

Another rather huge issue is the way we treat the mentally ill. Many have heralded the long-term trend of de-institutionalising people with mental illness –that is, releasing people from psychiatric hospitals to reside and be treated in the community –a sign of social acceptance and respectful treatment of people with mental illness. With the advent of new, more effective medications and better understanding of the range and types of community supports people with mental illness require, many people with mental illness live successfully in the community. But for some mentally ill people, usually those with multiple complex needs, de-institutionalisation combined with *a lack of* comprehensive community support systems have resulted in another type of 'institutionalisation,' that is within prisons rather than hospitals, and so 'criminalisation of mental illness,' i.e., where legal response overtakes a medical response to behaviour related to mental illness.

Ways in which Mental Illness criminalised

Research consistently shows us that a person with mental illness is more likely to be arrested for a minor criminal offence than a non-ill person. The majority of these arrests are for crimes – such as causing a disturbance, mischief, minor theft, failure to appear in court – directly or indirectly related to the mental illness. The majority of these arrests are also initiated by a report from a member of the public, rather than the police. The range of mentally disordered offenders (i.e. persons with mental illness convicted of an offence) currently in jails and prisons is somewhere between 15 to 40%; highly disproportionate to the occurrence of mental illness in the population at large. A number of factors contributing to the disproportionate incarceration of persons with mental illness have been identified in research literature, namely the factors listed below: lack of support; substance abuse; the label of mental illness; treatment and lack of it; Lack of specialised cross-training for both criminal justice and mental health professionals; and lack of timely access to mental health assessment and treatment.

Lack of sufficient community support

Supporting mentally ill people who commit crimes is not the same as condoning the acts they have committed. Such support includes lack of housing, income, and mental health services. Persons with mental illness have a harder time finding employment and housing, and maintaining consistent contact with friends, relatives, and treatment providers.

High rate of substance abuse among mentally ill

A high proportion of people with mental illness have a co-occurring substance use disorder. Mental illness and substance use disorder are more difficult to treat than either mental illness or substance abuse alone, and there is insufficient or no treatment programs for this problem.

The ' mental illness' label

Treatment is sometimes refused to persons who have committed a criminal offence or have previously been in prison. Hospital staff may refuse admission because it is considered a criminal matter, or the person may be considered too dangerous or disruptive for treatment by community resources, even if the offence for which the person was arrested or convicted does not involve violence.

Inadequate treatment for mental illness

Some persons with mental illness try numerous treatments without success. Others refuse treatment because they cannot accept that they have an illness, they dislike the side effects of their medications. Lack of sufficient housing, income, and support also interfere with the ability to maintain treatment.

Lack of specialised training for criminal justice and mental health workers

Both systems- criminal justice and the health service- need to provide information and training to staff in understanding mental health and law enforcement issues, respectively, in order to create successful collaboration.

Lack of timely access to mental health assessment

Easy access is necessary for early intervention and prevention of deterioration, and to provide law enforcement, courts, corrections, and communities the ability to access appropriate

treatment for individuals. Mentally ill people who receive prison sentences now have hospital wings in most UK prisons in case they need it. People with mental illness are also more victimised by others and may exhibit disruptive behaviour as a symptom of their illness. The usual punishment for disruptive behaviour is that they may find themselves in solitary confinement in prison can be highly traumatic and cause breakdown or psychosis for a person with mental illness and this itself may become traumatic for them. For various reasons, persons with mental illness are more likely to be arrested, charged, tried, convicted and imprisoned more likely to be disciplined, rather than treated, while incarcerated. Once arrested and convicted, persons with mental illness are more likely to be arrested and detained again, repeating the cycle. Police must be better trained to recognise symptoms of mental illness and have the capacity to immediately refer to mental health services instead of the criminal justice system. The courts must become more educated on the issues and solutions for persons with mental illness, and the prison service must develop screening and appropriate treatment and care for offenders with mental illness and ensure appropriate post-release support.

Conclusion

This is a timely and important book because the issues will not simply go away. There is a global recession at this time and governments in all countries are economising. The UK continues to imprison a greater proportion of its population then any country in Western Europe, following closely after its ally (and former colonies) in the United States of America and often in shocking conditions. Prisons everywhere are heaving and bursting at the seams with a huge proportion of prisoners having committed non-violent crimes, thus creating massive total through-puts, in and out and so mentally ill prisoners in need of some kind of assistance are unlikely to receive it and the fact is that prison is serving as an asylum now that those have been dispensed with, apart from Broadmoor, often thought of asa self-contained city within a city, with its own hierarchy, rules and regulations. What is needed is not yet more criminalisation but the fostering of a spirit of partnership might affect re-offending and since over 90% of crimes are commercial crimes, governments of especially Western countries need to think through the correct ways to stop such non-violent behaviour, which ways are generally more expensive than simply incarcerating everybody that is convicted of committing a crime.

This new book highlights the fact that crime in the UK , in the majority are non-violent, property crimes . It begs the question of what must be criminalized and what must not. Criminal punishment inflicts loss or suffering without enriching any individual, apart from cases of fines and compensation. It is fitting her to remind ourselves – as we remember the present push for 'Big Data'- of the evil of Nazism and of Hitler's *Mein Kampf* in which he wrote, as Norwood East relates at page 301 of *Society and the Criminal* (1949), Oxford University Press:

'In the big lie there is always a certain force of credulity, because the broad masses of a nation…in the primitive simplicity of their minds more readily fall victims to the big lie than the small lie, since they themselves often tell small lies in little matter but would be ashamed to resort to large-scale falsehood. It would never come into their heads to fabricate colossal untruths, and they would not believe that others could have the same impudence to distort the truth so infamously. Even though the facts which prove this to be so may be brought clearly to their minds, they will still doubt and waver and will continue to think that there may be some other explanation. For the grossly impudent lie always leaves traces behind even after it has been nailed down, a fact which is known to all liars in this world and to all who conspire together in the art of lying.'

Hitler committed a great evil on the world by disregarding the truth and preaching malicious lies.

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Repealing the United Kingdom's 1998 Human Rights Act

Many British people are very incensed at the thought of the repeal of the UK Human Rights Act 1998, as included in the Queen's Speech in May 2015.

Some of the feelings are stated below:

- These rights are our rights. They are our children's rights. They are our grandchildren's rights.
- The Human Rights Act 1998 has helped to protect women from domestic abuse.
- The Human Rights Act has made it safer for people to be gay.

- The Human Rights Act , formed under the European Convention of Human Rights which the UK signed in 1950, is a fundamental part of the devolution settlements for Scotland, Wales and Northern Ireland.

- The present UK government was voted for by less than 40% of voters and their ‘first order of business’ was to take away the Human Rights Act. Rights must not be privileges. Human Rights must be the minimum standard and apply to everyone without exception.

- The repeal of the Human Rights Act 1998 could lead to the unravelling of progress on human rights across the world.

ENDS+

Life Peers and Lords-2015

As the 2015-16 session began, six new life peers were introduced as members of the House of Lords. They are all members of the government. Following short introduction ceremonies they are able to contribute and vote in the House of Lords.

Lord Dunlop is a former adviser to the Prime Minister on devolved constitutional issues. He was formerly the head of policy and research for the Scottish Conservative Party, special adviser to the Defence Secretary and a member of the Downing Street Policy Unit. He was appointed Parliamentary Under Secretary of State at the Scotland Office on 14 May 2015.

Lord Maude of Horsham served as MP for Horsham, West Sussex (1997-2015). He held several government posts, including Financial Secretary to the Treasury (1990-1992), and Minister of State at the Foreign and Commonwealth Office (1989-1990). He is also a former chair of the Conservative Party (2005-2007). He was appointed Minister of State for Trade and Investment on 11 May 2015.

Baroness Altmann was the coalition government's Business Champion for Older Workers and is a former non-executive policy adviser to the Policy Unit at 10 Downing Street. She was appointed Minister of State for Pensions on 11 May 2015.

Lord O'Neill of Gatley is a former chief economist at Goldman Sachs. He was appointed Commercial Secretary to the Treasury on 14 May 2015.

Lord Bridges of Headley is a former chair of the Conservative Research Department, and was the Conservative Party's campaign director (2006-2007). He was appointed Parliamentary Secretary for the Cabinet Office on 14 May 2015.

Lord Prior of Brampton is a former chair of the Care Quality Commission (2013-2015). He served as MP for North Norfolk (1997-2001) and is a former deputy chair and CEO of the Conservative Party. He was appointed Minister for NHS Productivity in May 2015.

New members who have joined the House of Lords this year and last year are as follows:

Member	Party/group	Date of Joining the House
Lord Prior of Brampton	Conservative	29 May 2015
Lord Bridges of Headley	Conservative	28 May 2015
Lord O'Neill of Gatley	Conservative	28 May 2015
Lord Dunlop	Conservative	26 May 2015
Lord Maude of Horsham	Conservative	26 May 2015

Baroness Altmann	Conservative	19 May 2015
Lord Kerslake	Crossbench	17 March 2015
Earl of Kinnoull	Crossbench	6 February 2015
Lord Thurlow	Crossbench	6 February 2015
Lord Hay of Ballyore	Democratic Unionist Party	16 December 2014
The Duke of Somerset	Crossbench	12 December 2014
Lord Lisvane	Crossbench	11 December 2014
Lord Russell of Liverpool	Crossbench	11 December 2014
Bishop of Salisbury	Bishops	8 December 2014
Lord Evans of Weardale	Crossbench	3 December 2014
Bishop of Leeds	Bishops	3 December 2014
Baroness Wolf of Dulwich	Crossbench	2 December 2014
Lord Green of Deddington	Crossbench	28 November 2014
Bishop of Southwark	Bishops	11 November 2014
Earl of Oxford and Asquith	Liberal Democrat	24 October 2014
Lord Callanan	Conservative	24 September 2014
Baroness Janke	Liberal Democrat	24 September 2014
Lord Cashman	Labour	23 September 2014
Baroness Pinnock	Liberal Democrat	23 September 2014
Baroness Brady	Conservative	22 September 2014
Lord Lennie	Labour	22 September 2014
Baroness Mobarik	Conservative	19 September 2014
Lord Scriven	Liberal Democrat	19 September 2014
Baroness Helic	Conservative	18 September 2014
Baroness Rebuck	Labour	18 September 2014
Lord Cooper of Windrush	Conservative	17 September 2014

Lord Rose of Monewden	Conservative	17 September 2014
Baroness Chisholm of Owlpen	Conservative	16 September 2014
Baroness Shields	Conservative	16 September 2014
Lord Goddard of Stockport	Liberal Democrat	15 September 2014
Baroness Harding of Winscombe	Conservative	15 September 2014
Baroness Evans of Bowes Park	Conservative	12 September 2014
Baroness Smith of Newnham	Liberal Democrat	12 September 2014
Lord Fox	Liberal Democrat	11 September 2014
Lord Suri	Conservative	11 September 2014
Lord Farmer	Conservative	5 September 2014
Bishop of Ely	Bishops	4 June 2014
Lord Cromwell	Crossbench	10 April 2014
Lord Richards of Herstmonceux	Crossbench	24 February 2014
Bishop of Rochester	Bishops	24 February 2014
Bishop of Durham	Bishops	11 February 2014
Bishop of Chelmsford	Bishops	10 February 2014
Bishop of Peterborough	Bishops	7 January 2014
Bishop of Portsmouth	Bishops	7 January 2014

Sentencing large organisations for environmental crimes

The Court of Appeal has held that in the worst cases of environmental crime (Category 1 harm caused by deliberate action or inaction) involving very large organisations (those with a turnover of £50,000,000 or more), the sentencing court may well be justified in imposing in a fine of up to 100% of the defendant company's pre-tax net profit for the year in question (or an average if there is more than one year involved), even if this results in fines in excess of £100 million: *R v Thames Water Utilities [2015] EWCA 960*. The Court explicitly drew a comparison with fines in the financial services markets.

In a Category 1 harm case, the imposition of such a fine is a necessary and proper consequence of the importance to be attached to environmental protection.

Where Category 1 harm results from recklessness, the court will of course need to recognise that recklessness is a lower level of culpability than deliberate action or inaction. However, similar sentencing considerations in such cases will still apply, so that in non-Category 1 harm cases it will be appropriate to impose lesser, but nevertheless suitably proportionate penalties, which have regard to the financial circumstances of the organization. This may lead to a fine or fines measured in millions of pounds.

The sentencing court should avoid a mechanistic extrapolation from the levels of fine suggested at step 4 of the guideline for large companies because a very large commercial organisation's turnover very greatly exceeds the threshold for a large company and, further, there is the requirement at step 6 of the guideline to examine the financial circumstances of the organisation in the round.

The Court of Appeal accepted that in the case of a large statutory undertaker, it is impossible for management to ensure that no unauthorised discharge can ever occur. Where no harm is caused as a result of an offence committed without fault on the part of the undertaker, it would be difficult to justify a significant difference in the level of fine imposed on two very large organisations, merely because the infrastructure and turnover of one was twice as large as that of the other.

However, the size of an organisation becomes much more important when some harm is caused by negligence or greater fault. The Court reiterated previous dicta in cases such as *Sellafield* that even in the case of a large organisation with an impeccable record the fine must be large enough both to bring the appropriate message home to the directors and shareholders and to punish them. In the case of repeat offenders, the fine should be far higher and should rise to the level necessary to ensure that the directors and shareholders of the organisation take effective measures properly to reform themselves and ensure that they fulfil their environmental obligations.

Mitigating features include: prompt and effective measures to rectify the harm caused by the offence and to prevent its recurrence; frankness and co-operation with the authorities; the prompt payment of full compensation to those harmed by the offence; and, a prompt plea of guilty. In addition, significant expense voluntarily incurred or "reparation" in recognition of the public harm done should be taken into account. Another significant mitigating factor would be clear and accepted evidence from the Chief Executive or Chairman of the main board that the main board was taking effective steps to secure substantial overall improvement in the company's fulfilment of its environmental duties.

In the instant case the Appellant company had pleaded guilty at the first opportunity to an offence involving the discharge of untreated sewage into Chase Brook, which flows through a Natural Trust nature reserve. The offence took place over the course of approximately a week. The cause of the discharge was clogging of the pumps, which should have taken the sewage to a downstream pumping station.

The company was fined £250,000 on the basis that the company had been negligent and should have replaced the pumps earlier. The harm was localised. The company’s turnover was £1.9 billion with profits of £346,000,000.

The Court noted that the Appellant’s record, 106 convictions involving 162 offences, many

of which were dealt with the magistrates' court, over a 24 year period, did not suggest routine disregard of environmental obligations by the Appellant, but did nevertheless leave room for substantial improvement.

The Court stated that it would have upheld a very much more substantial fine given the facts of the case and the Appellant's record. But for the evidence adduced at the sentencing hearing, which showed that the Appellant was taking its environmental responsibilities seriously, the Court would have taken a starting point significantly into seven figures.

Sentencing very large organisations is a complex process and such hearing should be conducted by a High Court Judge or by another judge only in circumstances where the Presiding Judge has released the case or the Resident judge has allocated the case to a particular judge.

This is the first case in which the Court of Appeal has considered sentencing for very large organisations since the coming into force of the Environmental Sentencing Guideline. Given that the approach set out in the Environmental Guideline is mirrored in the Draft Guideline for Health and Safety Offences and Corporate Manslaughter this decision is of crucial importance to all criminal regulatory lawyers.

In environmental cases in particular great care needs to be taken in the accurate presentation of financial information. Many organisations working under environmental permits collect taxes on behalf of the government, which they then pass on. These taxes appear in the company accounts as turnover but plainly do not amount to profit. It is crucial that this distinction is brought home to sentencing judges so that the organization is not erroneously sentenced on the basis of its turnover alone.

In criminal regulatory cases generally it is now abundantly clear that the landscape of sentencing has changed utterly. The Court of Appeal referred to fines of £100,000,000 or more. Lawyers must be prepared to break some very bad news to their clients

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