Risk Assessment in Criminal Sentencing

In 2010, Act 95 mandated the Pennsylvania Commission on Sentencing to come up with a risk assessment tool to be used at the sentencing stage of a criminal trial. Pennsylvania could soon be one of the first states to base criminal sentences on risk assessment data, in addition to the details of the crime committed. The risk assessment would be used to ascertain the likelihood of convict recidivism.

Stemming from advances in social science, risk assessments have gained traction in the justice system. Mostly, risk assessments are used to determine bail or parole. The plan being developed for sentencing by the Commission could determine in Pennsylvania if low-risk offenders receive shorter prison sentences or high-risk offenders receive longer prison sentences. The Commission found through studies that the most commonly cited risk factors for recidivism included criminal history, employment and education.

Politically, the idea of sentencing based on risk assessments has appeal on both sides of the aisle. Conservatives appreciate the benefit of spending money on only the most dangerous prisoners. Liberals see a data-driven system as a less punitive justice model that would correct for biases of police, judges and probation officers.

However, critics decry the use of risk assessment in sentencing because they say traits determined through, essentially, questionnaires are unfair. The proposed assessment tool in Pennsylvania includes questions for assessment of risk that an individual would have no control over, like sex and age. It also includes questions based on where offenders live, something critics say marginalizes minorities who are concentrated in urban areas. However, the Commission says that they are leaning toward using the tool to identify outliers.

The question to ask regarding the use of risk assessment in sentencing is, what are the goals of criminal justice reform? The risk assessment tool can statistically determine what chance an offender has of recidivism, but it is up to lawmakers to decide what to do with the information.

For more information on Pennsylvania’s plan, visit www.themarshallproject.org/2015/08/04/the-new-science-of-sentencing

2 Key Trends Changing Daily Tasks

Legal work has changed dramatically in the past few years. Robert Half Legal’s Future Law Office research examines how client demands are affecting the delivery of legal services. Here are two tips for adapting to current legal workplace trends:

1. **Adopt a business mindset.**

   Corporate legal clients have seen an increase in choice of vendors and access to legal services, which has led them to seek added value from legal counsel. This trend has resulted in law firms developing a business-focused mindset, including specializing their scope of work and creating dedicated legal teams for specific industries. Firms are also creating non-partnership-track
positions and building new legal support staff teams. To keep operational costs low, more firms are offering alternative fee arrangements and utilizing cloud computing for some back-office functions. These changes allow firms to meet clients’ budget constraints while delivering high-quality services.

Corporate legal departments are also streamlining their practices to consolidate the network of firms they have on retainer. This change can mean hiring legal professionals on a contract or project basis for specialized or short-term projects or hiring full-time lawyers to move matters in-house.

2. Bridge the gap between legal and IT.
As the complexities of electronic data and cloud computing continue to grow and concerns about data privacy, security and compliance matters escalate, alignment between legal and information technology (IT) professionals is essential. Eight out of 10 lawyers surveyed for the Future Law Office project said their collaboration with IT specialists has increased during the past two years.

Managing eDiscovery requests, an area of overlapping responsibility for legal and IT, has become more complex with teams facing increased demands to collect relevant and responsive information. To reduce review time and to lower costs, legal teams are using predictive coding to sift through large data sets. They also are turning to data specialists and outside vendors to help boost relevancy and efficiency.

U.S. Businesses Look North of the Border

Without the Great Recession, many American companies may have been content transporting their “made-in-the-U.S.A.” goods within U.S. borders. But the prospect of new customers enticed businesses of all sizes to jump into the international marketplace – and Canada topped the location list, both then and now. Here are some interesting facts about Canada:

• The U.S./Canadian border forms the world’s longest land border
• “Loonie” is the name of Canadian currency – a one-dollar coin
• Canada is the number one destination of U.S. goods and services

When many U.S. businesses struggled through the Great Recession, they looked for business opportunities beyond America. Selling U.S.-made products to the international market can mean language barriers and shipments traversing a massive body of water. Canada, however, does not present those impediments to trade. According to Bill Adams, senior international economist of The PNC Financial Services Group, Canada’s most attractive characteristic is its resiliency.

“The Canadian economy was probably the most resilient of any major economy through the global recession,” Adams said. “Its ability to absorb the shock of the global recession is remarkable, and the opportunities across energy, manufacturing and services industries are some reasons why many American businesses are looking at doing business there.”

A few reasons why Canada is an easy pathway to foreign expansion for U.S.-based companies include:

• Business practices similar to the U.S.
• Easy transportation and access routes
• Highly skilled labor pool
• Stable political system
• Low and stable inflation

IN MEMORIAM
Michael O’Sullivan Floyd
Jan. 9, 2015, age 75

James A. Bogdanoff
June 8, 2015, age 78

Jon A. Baughman
Jan. 12, 2015, age 72

Christina M. Tarantelli
June 24, 2015, age 61

Rosemary M. Flannery
Jan. 23, 2015, age 93

John Butterworth
July 8, 2015, age 87

Edward “Larry” Hannaway
February 24, 2015, age 70

Stanley W. Root Jr.
July 8, 2015, age 92

Howard R. Moore Jr.
March 2, 2015, age 82

K. Robert Conrad
July 14, 2015, age 87

E. Brooks Keffer Jr.
March 8, 2015, age 85

Mary Elizabeth Butler
Age 60

Have you considered a contribution to the Philadelphia Bar Foundation in memory of a deceased colleague? For information, call Jessica Hilburn-Holmes, Executive Director, at 215-238-6347.
As the U.S. economy continues to improve, although not at the pace many economists had projected, business executives continue to pursue strategies to increase revenue. Some companies elect to grow through acquisition and others diversify their own products. But, a business can also grow by acquiring new customers through foreign expansion.

“In general, it’s the biggest economies around the globe that have the largest impact on the U.S. and the ones with the closest economic ties as our trading partners,” Adams said. “Our closest trading partners today are Canada, Mexico, the Eurozone and China. As those countries grow, demand for American products tends to follow.”

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