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We have now experienced decades of critics telling us not to take a legalistic approach to compliance, that we need to do things differently, that the Sentencing Guidelines used a “command and control” approach that encouraged box ticking.

I believe there is a reason for this criticism of the Sentencing Guidelines standards: Even though the standards are brief and easy to read, I suspect that very few people actually read them. Rather, commentators assume they already know them because they are from the government. For example, the guidelines call for communications “in a practical manner.”^[1] What did all those who have criticized the guidelines as legalistic think this meant? What could be more real-world than requiring that communications be in a practical manner?

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