

that will not prevent this book from taking its well-merited place on the desk of every lawyer concerned with trade practices in Australia.

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Lawyers by JULIAN DISNEY, LL.B. (Hons.) (Adel.), Barrister and Solicitor of the Supreme Court of South Australia, Formerly Lecturer in Law, University of New South Wales, Presently Law Reform Commissioner, New South Wales, JOHN BASTEN, LL.B. (Hons.) (Adel.), B.C.L. (Oxon.), Barrister of the Supreme Court of New South Wales, Lecturer in Law, University of New South Wales, PAUL REDMOND, B.A., LL.M. (Syd.), Solicitor of the Supreme Court of New South Wales, Lecturer in Law, University of New South Wales, STAN ROSS, B.A. (Brook.), M.A. (San Fran. State), J.D. (Calif.), Member of the California Bar, Senior Lecturer in Law, University of New South Wales, with the assistance of RICK RAFTOS, B.COM., LL.B. (N.S.W.), Barrister of the Supreme Court of New South Wales. (The Law Book Company Limited, 1977), pp. i-xliii, 1-758. Cloth, recommended retail price \$35.50 (ISBN: 0 455 19501 3). Paperback, recommended retail price \$28.50 (ISBN: 0 455 19502 1).

To agree to review a 750 page book while preparing to depart for study leave would appear not only irresponsible but to render the temptation to skim lightly over only some of those pages almost irresistible. In the majority of cases that would be the result. However, although the commitment to review this book was made in those circumstances, the temptation has been remarkably easy to resist. This is due to the authors' diligence in collecting a large and heterogeneous quantity of valuable and interesting information on the legal profession and their striking ability to edit, organise, present and comment on that material in a manner that is at once uncomplicated, unbiassed and lucid.

The book is designed as a text for students studying the legal profession or some aspects of its structure, organisation, discipline, ethics and practices. Accordingly, the primary purpose of the book is the presentation of adequate information on the profession in Australia. That information is provided by extracts from periodical articles, monographs, survey results, government reports, judicial and professional rulings, and results of the authors' own research.

The content is divided into three parts entitled Structure of the Profession (Chapters 1-6); Delivery of Legal Services (Chapters 7-10); and Lawyer and Client (Chapters 11-14). Part I covers the history of the profession in Australia, including the debate about fusion or division of the profession, a statistical profile of the members of the

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profession, procedures and requirements for admission, and disciplinary processes within the profession.

Part II commences with a discussion of the prohibition on advertising and its relation to the important problem of specialisation. The chapter on fees, their regulation, and the responsibility for payment includes statistical information on lawyers' incomes. As is the case with other statistics these are disappointingly sparse and outdated. The segment on legal aid begins with the (to an extent) statistically proven unmet need for lawyers in the community, discusses, largely on the basis of the Poverty Commission's findings, the range of legal aid schemes in Australia, and assesses their relative effect and defects. There is an examination of group legal services and public interest (*pro bono publico*) practice, and the possible role of non-lawyers in providing legal services despite the statutory prohibition of legal work for reward by unqualified persons.

Part III deals with material more familiar to practising lawyers (and students sitting for Legal Ethics examinations) than anything hitherto, namely the legal and ethical rules as to conduct *vis-à-vis* clients, other lawyers and courts in the practice of law. The chapters cover duties to accept work, to communicate with clients, to obey clients' instructions, to maintain confidentiality and to be competent, and duties in situations actually or potentially giving rise to conflicts of interest between clients, clients and other persons and the lawyer and his or her client. The rules of ethical behaviour and etiquette that constitute lawyers' obligations of candour and fairness and of observing appropriate decorum and respect, particularly in view of the curial power to punish for contempt, are described.

The format and organisation of the chapters facilitates cross-references and the setting of tasks for teaching purposes. Some, but not all, chapters contain an introduction setting out the limits of the areas to be covered and the order and structure in which they are to be presented. Such introductions are so valuable, particularly in defining the scope of the book and explaining why certain matters are not explored, that it becomes a point of criticism that they do not appear in all chapters. At the end of each primary division of each chapter there appears a list of questions which, although sometimes taking the form of comprehension tests, are intended to extend a discussion of the material presented or, at least, to show directions in which further discussion, analysis or assessment could proceed. In addition, there are frequent notes following extracts of material which add further information or comment. There are few footnotes. Clearly the structure of the book and of the chapters is designed with teaching in mind. The authors acknowledge that the book developed from a course at the University of New South Wales. In spite of this focus, it is a mark of the authors' skill in presenting the material that this text book remains eminently readable.

There are a few points of criticism. It could be said that the chapters dealing with candour, fairness, decorum and respect are longer than the relative importance of their subjects merits. However, as the

material deals with some of the most recent and spectacular disturbances of curial calm, it not only takes discussion of decorum beyond the normal examples but is intrinsically interesting.

The chapter on legal aid stands out as being different and posing difficult problems of organisation. While based upon such factual material as exists on unmet legal needs and the extent of use of lawyers by the community, the subsequent materials soon leave this foundation. They tend to assume both an ideological base and a broader role for legal aid than merely meeting these unmet legal needs. This reflects recent discussion of legal aid in Australia which, as a result of disagreement as to what legal aid aids and what it ought to aid, has been marked by a desire to comprehend every conceivable use of and justification for legal aid. The basic definitions and concepts raised in this chapter are much wider than those on which the other chapters in Part II rest.

It could be said that not all opportunities are taken by the authors to link together material in different chapters. In an instructional book a balance must be struck between, on the one hand, structuring the material so that the book can be used only in one way, thus depriving readers of new insights of their own, and, on the other hand, leaving readers free to set up their own structure at the risk of overlooking some important links. The balance could have been tilted more to the structured side in order to prevent distortion when, as will happen frequently, only one part of the book is used. A similar comment could be made about the relative lack of extensive analysis of the materials. However, the authors' aim is to present information, and in doing so, they are entitled perhaps to be as even-handed as they are. There are some who would prefer a more provocative book.

More extended lists of further reading after each chapter or major chapter division would have added to the value of the book, better enabling the variety of disciplines that will find value in the book to perceive the inter-disciplinary connections and to pursue their own perspectives. Areas for additional reading include the concept of profession, the causes of the emergence and status of professions and the relations of these causes to professional ethical codes, the nature of ethical obligations, the psychological analysis of the influences on the conduct and personality development of lawyers and the economic consequences of professional monopolies. Although such material exists, this is probably a counsel of perfection.

The book is an invaluable source of information not previously collected and thus rarely exposed. It should be included as required reading for every student by all Australian law schools and will find ready audiences outside those venerable institutions.

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