

Principal Lecturer in Sociology, Canberra College of Advanced Education. (Law Foundation of New South Wales, 1978), pp. 1-349. Paperback, recommended retail price \$5.95 (ISBN: 0 909136 15 7); *Poverty and the Legal Profession in Victoria*. (Australian Government Commission of Inquiry into Poverty, Law and Poverty Series). Research Report by JEFFREY M. FITZGERALD, LL.B., LL.M. PH.D.; Senior Lecturer in Legal Studies and Sociology, LaTrobe University. (Australian Government Publishing Service, 1977), pp. i-xi, 1-72. Paperback, recommended retail price \$2.30 (ISBN: 0 642 02224 0).

These three publications present and analyse responses to three surveys of the work patterns and social backgrounds of lawyers. The earliest in time, and distinctive in purpose and methodology, is that conducted by Jeffrey M. FitzGerald as one of the research projects commissioned for Professor Henderson's Commission of Inquiry into Poverty. Designed to ascertain the attitudes of lawyers to poor people and the frequency of work done by lawyers for the poor, the survey and interviews, which complemented some earlier research on the extent to which poor people consult lawyers, were conducted in 1974.

Second in chronological order is Margaret Hetheron's preliminary report on a selective survey of practising lawyers in Victoria conducted in 1976 by the Victoria Law Foundation.

Last, but anything but least, is Roman Tomasic and Cedric Bullard's preliminary report of responses to a selective survey of practising lawyers in New South Wales conducted in 1977 by the Law Foundation of New South Wales. The preliminary status of these two Law Foundation reports should be constantly borne in mind. A final report on the New South Wales survey is expected shortly.

All three books provide large quantities of information on the work patterns, specialisation, work environment, attitudes and opinions of lawyers practising in barristers' chambers, corporations, government departments and in solicitors' firms (of all sizes) in cities, suburbs and country areas. Much of the information, particularly in Hetheron and Tomasic/Bullard, is in statistical form, presented in tables or figures. Although familiarity with some of the terms and methods of social survey work is not essential, the presentation of such information presents a difficult choice. Should the raw data be presented in the clearest form with limited analysis and interpretation ("tables plus text") or should the information be incorporated in a description of the data, using tables to illustrate occasionally ("text plus tables")? Such a choice should be made in the light of the nature of the information and the purpose of the presentation. Both of these considerations should lead to a primary question: what are the objectives of the survey? If these are clear, the purpose and form of presentation should contribute to the achievement of those objectives.

The Hetheron report is of a survey designed to produce material on the present state and future prospects of lawyers in Victoria. Such information would be unprecedented and was believed to be useful in professional, governmental and educational planning. The New South

Wales survey resulted from the view of that State's Law Foundation that there was a need for more detailed information on the work and social background of lawyers. At about the same time, the New South Wales Law Reform Commission undertook an examination of aspects of the legal profession and the common interest of the two bodies provided a further reason for the survey.

The striking feature that the origins of these two publications have in common is that it was predominantly lawyers who saw a need for information about themselves and who were engaged in devising the questionnaires seeking that information. It should come as no surprise to lawyers that much of the information contained in both books is already well known to them. Information on kinds of professional work, income levels and clientele of lawyers in big firms, medium firms or alone, practising in the city, suburbs or country, becomes intuitive after several years in any of those professional work environments. It is of the nature of the daily work of lawyers in private practice that they constantly encounter other lawyers. Such constant contact, aligned with the interest most have in their profession, ensures a wide dissemination of knowledge and opinion of and about members of the profession. This information is relied upon in making assessments of office locations, clientele, professional tactics and prospective employees. However accurate, the knowledge remains subjective.

Thus, when the Hetherton and Tomasic/Bullard reports present that same information, the primary addition is the objective support. Such novelty is insufficient to enliven reading. If lawyers have little to learn, who does? Or, perhaps more importantly, who was interested in discovering such information? Neither of these two reports indicates whom such persons may be, what their interests are and thus precisely what information they want. The reports undeniably make accessible a large quantity of information on the legal profession previously unavailable outside the profession. The form of presentation probably facilitates that access. But because no extra-professional interest has been described in the design of the survey, it remains doubtful whether the information that lawyers have gleaned from lawyers is of value to anyone but lawyers (and most of them already have it).

The comments apply more to the Hetherton report than to that of Tomasic/Bullard. The former, opting for more of the "text plus tables" than the reverse, is a model of caution in interpretation of data. Her conclusions are patently sound and simply and clearly expressed. She indulges in little speculation or extrapolation. Although, as indicated above, familiar to most lawyers in practice, the information is presented with clarity and caution. The summaries of each chapter are excellent.

The Tomasic/Bullard report adopts less text and more tables (a lot more tables). To be fair to the authors, this was a deliberate choice to present as much in evidence as possible. The text refers to some of the 252 tables in an appendix, as well as to other secondary tables and figures strewn liberally through the text. All this seems appropriate to a preliminary report. However, their text shares little of Hetherton's caution and clarity. In part this is due to their survey containing far more information on attitudes and opinions than did that in Victoria.

These authors have a tendency to comment on combinations of data that are not commonly combined or to preface observations with impressive assumptions that are related to the data only in the broadest overview. Thus, perhaps in seeking to do more than render objective subjectively familiar knowledge, as Hetherington does so well, they have added subjectivities of their own. For instance the data that four out of five of all classes of lawyers and nine out of ten country solicitors are married is said to be an "aspect of the apparent high level of conformity or rigid stratification in the profession . . ." (page 23). They find paradoxical the fact that 36.1% of barristers identify with the Australian Labor Party and that barristers are most likely to have received an elite education. They add that this may be due to a greater tolerance for religious or political opinion at the bar which in turn may in their view be due to the nature of barristers' contact with clients (page 26).

In the last paragraph on page 44 they hypothesise that specialisation in areas of lower prestige and remuneration forced on lawyers in relatively powerless or non-strategic positions will result in a reduction of quality of services provided by those lawyers.

On page 54, the increased use of service companies in law firms, an indication of structural change in firms, is referred to under the same heading as comments on numbers of lay and professional employees and the impact of technological change on employment.

They express considerable concern that the responses indicate that more than half of all but country lawyers prefer to keep clients at a reasonable distance. They suggest that this confirms some of the worst fears expressed by clients about the real interest that lawyers have in them and their problems. Such a suggestion is founded at least on an untested assumption of what the lawyer/client relationship should be (or how it should be described).

There are other passages which carry implications by omitting factors that practising lawyers would probably see as integral to the relevant analysis. These include pages 31-32; page 35 (second paragraph under heading "Organisation and Careers"); page 62 (third paragraph under heading "Attitudes to the Organisation of Legal Work"); page 78 (last paragraph under heading "Nature of Clientele"); page 79 (second paragraph under heading "Relating to Clients").

The apparent need to employ assumptions to interpret data and the implications flowing from an unusual or arguably incomplete association of data suggests that the complex, irregular and even illogical arrangement of data that would most accurately depict the work, attitudes and opinions of practising lawyers defies the logical analysis of computers. The third book by FitzGerald is eloquent testimony to the sensitivity of data gathered by interview to illogical patterns of attitudes, opinions and conduct.

This survey has a clearer objective than the other two and is significantly smaller in sample. It is a convincing picture of the extent to which lawyers act for poor people and of their attitudes to such clients and to the means of meeting their legal needs. It is so because it presents a picture of ambiguous and conflicting opinions; contradictory data and attitudes that randomly align or reject self interest, altruism, status,

despair and compassion. The text bears all the caution of Hetherton's work but exposes and explains the assumptions too often implicit in that of Tomasic/Bullard. Although some of the data presented is as familiar as much of that in both other books, the interview technique provides a deeper understanding of more of the causes of those familiar patterns. There is less need to supplement the data—as it is richer—and less chance of omitting an integral factor in any analysis. Perhaps the overriding truth that, whatever else it may be, the practice of law is, in essence, a process of human interaction emerges more clearly from interviews than questionnaires.

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*Anti-Discrimination Legislation in Australia* by CHRIS RONALDS, LL.B. (Butterworths, 1979), pp i-xiii, 1-174. Paper, recommended retail price \$6.00. (ISBN: 0 409 41330 5).

This useful little book gets off to a somewhat inauspicious start with an extraordinarily badly-written and largely meaningless Foreword by the National President of the Institute of Personnel Management Australia. Fortunately this abysmal standard is not maintained in the rest of the work, but it really is hard to see why the Publishers considered it necessary to inflict this kind of platitudinous nonsense on the reader in the first place. It may be that Forewords by public figures (distinguished or otherwise) can sometimes lend a spurious legitimacy to publications that are otherwise unable to stand on their own merits but the work under review is most definitely not in need of any such assistance, and it is a pity that the Publisher did not see fit to recognise that fact.

According to the author's Preface, the purpose of her book is to

help people become aware of the types of sexist and racist actions which are unlawful in Australia through the existence of anti-discrimination legislation, and the remedies available to them when they become victims of such actions (page xi).

It is also made clear from the outset that the book is intended for the lay person "rather than for academics or members of the legal profession" (page xi).

By and large, the author attains all of her objectives—and more besides. She succeeds in presenting a highly complex, and frequently obscure, body of legal rules and administrative principles in a comprehensive and readily comprehensible form. Her text is refreshingly free of lawyers' jargon and technical obscurantism. Where she is forced to use technical language, she invariably takes pains to explain what the terms used actually mean. Inevitably perhaps, this quite laudable desire to avoid the use of technical language causes the author to invent some obscurities of her own. In paragraph 827 for example, when describing

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