

## LAWYERS – THEN AND NOW

In the Roman era lawyers were forbidden by the Cincian law from raising fees or receiving gifts from people who consulted them. This effectively ensured that the practice of law was the province of wealthy Romans who were driven by a desire to serve their countrymen *pro bono publico*. Alas, the prohibition did not last. Juvenal, the famed Roman satirist, noted that the legal profession had become venal. Pliny also lamented that all attempts to restrain the rapacity of lawyers were artfully eluded.

Some 2000 years on, have things changed?

Undoubtedly, the law is a learned profession, and at the core of any profession is public accountability and ethical practice. However, the latter seems to have a low priority: codes of ethics are listed on only two of 13 Australian legal societies' websites.

Furthermore, public accountability will remain elusive as long as the law remains ensconced in cathedrals impervious to public scrutiny, and its high priests and their adversarial acolytes communicate in arcane language.

The ultimate hallmark of any profession should be altruism. Yet we now witness the destructive effects of our current courtroom culture on the viability of some medical specialties, the promotion of defensive medicine, and the current medical indemnity crisis.

Indeed, the preoccupation of some lawyers with legal lucre moved Richard Ingrams, editor of *Private Eye*, to remark that law courts are not cathedrals, but casinos — “when a judge begins to sum up at the end of a case, it is, for me, as if someone has twirled a roulette and we look anxiously to see whether the ball will fall in the red or black”.

*Plus ça change, plus c'est la même chose.\**

*Martin B Van Der Weyden*

\*“The more things change, the more they stay the same.”

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