

FEUDING PROFESSIONALS

The roles of the professions have always been clear. The pastor attends to the soul, the physician to the body and the lawyer to individual rights. Their relative importance was also clear. As Johann Michaelis, an Enlightenment scholar, noted: "The doctor of laws may be bad, that worries the public little... The doctor of theology does even less harm... but the doctor of medicine... goes directly to [matters] of life and death."

In short, these professional roles are discrete and distinct.

Now fast forward to the present...

The pastor still attends to the soul, but the roles of doctors and lawyers have become increasingly entangled in an increasingly litigious society. Today, lawyers publicly solicit for cases of medical negligence, lured by the prospect of million-dollar settlements. We now find that the escalating cost of medical insurance is wrecking medical specialties, and the practice of defensive medicine adds millions to healthcare costs.

Recent clashes over tort reform in Australia are child's play compared with what happens in the US. There, doctors regularly march on state legislatures demanding tort reform. They are refusing to treat lawyers, their families or employees, except for emergency care. Doctors who act as expert witnesses for plaintiff lawyers have been ostracised or even fired.

These "hardball" tactics recently reached new heights when voters in Florida approved a doctor-sponsored amendment to the state constitution to severely limit lawyers' cut of court awards. In response, the lawyers sponsored a successful "three-strike" amendment, which automatically revokes a doctor's licence should he or she incur three malpractice judgments.

What are we to make of all this?

Central to this conflict is money. The practice of medicine or law was never meant to be a business in which making money was the main aim. Rather, providing best care for a patient or a client should always be the *raison d'être* of those who practise these professions.



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