

## REVIEW ARTICLE\*

*Australian Lawyers* by DAVID WEISBROT (Australia: Longman Cheshire Pty Ltd, 1990) pp i-v + 1-298. Cloth recommended retail price 29.99 (ISBN 0 582 93966 6).

"Lawyers". The word evokes a gamut of responses in our community: contempt, caution, distrust, cynicism, mystification, envy, respect, admiration. Of these, respect and admiration are generally reserved for the individual. That the profession as a whole is not so well regarded is amply illustrated by the collection of literary references to lawyers at the beginning of Chapter Two of David Weisbrot's book: references ranging from Sir Thomas More to John Keats' "I think we may class lawyers in the natural history of monsters".

Centuries later, popular perceptions do not seem to have improved, judging by the results of recent surveys quoted by Weisbrot. However, he goes on that the paradox is that "notwithstanding this malaise, awe overcomes fear and loathing when it comes to parental aspirations for their children". A 1985 survey by the "The Sydney Morning Herald" found that law ranked above teaching and medicine as the career that parents would prefer for their children, and it is clear that most of our brightest school leavers continue to nominate law related courses as their first preference for a university place. The pressure on places does not diminish among mature age students.

Outside education and into the real world, the high level of participation by lawyers in all aspects of political, commercial, and social organisation ensures that lawyers attract a prominent public profile.

Against this background, the sociology of lawyers is now recognized, except perhaps by the most conservative of lawyers, as a legitimate subject for study in a law course and to such an extent that Weisbrot's criticism of those conservative forces is unnecessary: the controversy surrounding Professor

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Julius Stone's appointment to the Chair in International Law and Jurisprudence at the University of Sydney in 1941 is as much a matter of history as the war that was raging at the time. Nor would RP Meagher's dismissal of, inter alia, criminology as a "non-subject" be representative of professional attitudes. In times when a significant number of law graduates do not practice as solicitors or barristers, a legal education has come to be seen not just as a training of a practitioner but as "an education" in a more general intellectual sense.

Against this background, a number of books on lawyers have been published in Australia in the last decade, ranging from Sexton and Maher's concise and very readable *The Legal Mystique* published in 1982<sup>1</sup> to *Lawyers* by Disney et al,<sup>2</sup> a comprehensive source book of the vast amount of published material on the profession and legal services.

David Weisbrot's book differs from both of these in style and content. It is a sociological work, which in the main systematically and comprehensively marshals, describes, and summarises the findings of various writings, reports, and surveys into the legal profession and legal education over the past few decades. Although, at first glance, the main thrust of the book appears to be the setting out of facts and statistics and the conclusions which may be drawn from them, it does include a depth of analysis which goes beyond the merely factual: this is particularly so in Chapter Two on "The Role of Lawyers in Society".

The book takes three broad concepts from established theories of professionalism to provide its basic structure: ideology, autonomy, and market control. Within this framework, the book is divided into six chapters after the introductory chapter.

Chapter Two analyses the role of lawyers in Australian society: their status, their tasks, their relationship with other professions, and their role in institutions, corporations and government.

Chapter Three describes the growth and geographical distribution of the profession, and the issue of rural shortages, periodic oversupply and professional control on supply.

Chapter Four dissects the profession and access to legal education in terms of age, gender, social background, religion, race and socio-economic class. Information in this chapter is soundly based on the large bank of statistics available from various surveys and amply supports the author's conclusions. In this chapter the figures say it all and make unnecessary the few quotations from the most extreme anachronistic conservatives, which only tend to distract the reader from the force of the numbers.

Chapter Five describes the history of legal education and gives a profile of modern legal education, drawn largely from the Pearce Report to the Commonwealth Tertiary Education Commission in 1985. While this Report provided a comprehensive analysis of the courses provided by university law

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1 Michael Sexton and Lawrence W Maher *The Legal Mystique* (1982).

2 J Disney, P Redmond, J Basten and S Ross *Lawyers* (2nd ed 1986).

schools in 1985 it was criticized on its release for its failure to take into account substantial reforms that were already in train at the time. At the University of Sydney, for example, a major curriculum review which came into operation shortly afterwards was not mentioned in the Report and is given little attention by Weisbrot, who five years on, quotes the Report's now out-dated criticisms. His own appraisal of the new curriculum would have added considerable weight. This chapter includes also a description of practical legal training, continuing and community education.

Chapter Six describes the organisation and division of the profession, the appointment of Queen's Counsel and the judiciary, and the structure and role of regulatory and disciplinary bodies.

Chapter Seven comprises an economic and market analysis of the profession: the decline in traditional monopolies, public funding of legal aid, the emergence of new areas of legal work, the growth of "mega firms".

David Weisbrot's book offers a comprehensive examination of the legal profession and its related institutions. For those outside the profession or those studying for a law degree, it provides a wealth of information. For those within the profession it brings together this otherwise scattered information in a form not previously available and will provide a sound basis for more personal and philosophical commentary on the role of lawyers.