

## That Disreputable Firm ...

### The Inside Story of Slater & Gordon

by Michael Cannon, Melbourne University Press, Melbourne, 1998; 324 pp; \$39.95 hardcover.

*That Disreputable Firm ...* is not written for lawyers. Although it is fully referenced and a lengthy bibliography is included, it is a popular rather than an academic history. The focus throughout is on the human interest of the work of Slaters, rather than the law, and lawyers would find the absence of any discussion of the way in which Slaters have been able to stretch the boundaries of the law disappointing.

The book falls into two halves. The first recounts the history of the firm of Slater & Gordon itself. The second consists of a survey of the more famous cases in which Slaters have made their name.

I found the first half more interesting, partly because, while I have a vague idea of who Maurice Blackburn was, I had no idea of the original identities of 'Slater' and 'Gordon', or indeed if such people ever existed. Secondly, the early chapters are set in the 1940s and 1950s when Australia was gripped by virulent anti-left sentiment and some of the early Slaters personnel featured, either centrally or peripherally, in such events as the Petrov Royal Commission and the Communist Party referendum.

'Slater' was Bill Slater, private in the Army in World War I and elected to the Victorian Parliament as a Labor member for the country seat of Dundas in 1918 while Slater was still serving overseas. His legal career began with Maurice Blackburn but he opened his own practice in Melbourne under the auspices of the ARU. In 1924, when the Labor Government of George Prendergast was elected, Slater was appointed Attorney-General, at the age of 35. During several terms in short-lived Labor governments he pursued typical Labor causes, such as prison reform and workers compensation. In 1940 he was elected Speaker of the Victorian Parliament and in 1942 was appointed by John Curtin as Australia's first ambassador to Russia.

After the war, Slater returned to the Victorian Parliament as Chief Secretary under the Cain government but was

defeated by a John Wren-led campaign in 1949. He took a safe Labor seat in the Legislative Council and remained in that position until his death in 1960.

The 'Gordon' of the firm name was Slater's brother-in-law, Hugh Gordon, who became a partner in 1935. His role in the firm was shortlived as he was killed in action in 1943. Slater's decision to retain the firm's name as Slater & Gordon appears prophetic. Two of the best known contemporary members are Peter Gordon of the Melbourne office and Footscray Football Club fame and John Gordon, a Perth solicitor who joined the firm at the time of the asbestos cases. Neither of them is related to the original Gordon.

Bill Slater's political career enabled him to bring in several now well-known names to keep the practice running. First, Ted Hill, who joined as a law clerk and became a partner in 1943, but left the firm when he became secretary of the Victorian branch of the Communist Party in 1948; then Geoff Jones, who took over Ted Hill's share of the partnership and managed the firm for 36 years from 1948 until 1984. Ted's brother, Jim, worked in the External Affairs Department after the Second World War, where he came under investigation for alleged Soviet contacts. He left the Public Service in 1953 and was offered a job with Slaters by Geoff Jones. He stayed with the firm until his sudden death in 1973.

As a young solicitor practising in the 1960s, I had no personal contact with Ted Hill or Geoff Jones, but I did know Jim Hill and was opposed to him in many workers compensation cases. Whether or not he was a Soviet agent, he was one of the fairest and most decent lawyers I ever dealt with. I frequently rang him and asked him for advice on the law in cases in which he was not involved and I knew that it would not occur to him to exploit the opportunity to mislead a young, female, inexperienced solicitor acting for the enemy.

The second half of the book canvasses the major areas of litigation for which Slaters have become famous. The range of subject matter is impressive: asbestos, medically acquired HIV, product liability from Dalkon shields to peanut butter, claims against the Christian Brothers for sexual abuse of boys and of course OK Tedi. It is here that the book is basically unsatisfactory for a legal reader and even the lay reader might tire of the unswervingly 'goodies and baddies' approach.

The author has apparently never had a qualm about the capitalist system until he first discovered the unfailing evil of the corporate defendant. While admittedly there is not a lot to say in favour of most of the defendants involved, it is irritating to have the author railing against those defendants who dare to defend a claim brought against them, given that the decision to defend is almost invariably made by the insurer.

In the same vein, Michael Cannon never seriously contemplates that Slaters might have made the occasional mistake or misjudgment. The one recent case which occurred to me as in this category is the Cheryl Harris/Ian Smith case and this is hidden at the end of the chapter on the Christian Brothers, a placement justified by the chapter title 'Taming the sexual tiger'!

Nonetheless, despite these comments, the book makes for enjoyable reading. It reminds us of Slaters' long tradition of commitment and daring and provokes the thought that a legal text analysing the changes to the law brought about by Slaters litigation would be really fascinating.

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## Crime & Social Exclusion

Edited by Catherine Jones Finer and Mike Nellis; Blackwell Publishers Ltd, Oxford, 1998; 175 pp; \$39.95, softcover.

Written as a rejection of the policies and beliefs that saw the Thatcher era of British politics dismantle the welfare state, *Crime & Social Exclusion* is a collection of essays from the left realist movement. Signalling a new direction in criminological debate, left realism emerged during the mid 1980s as a response to the dominant political ideologies of the then Conservative government. These policies had the effect of increasing blame and stigmatisation of the individual as the central cause of crime. Preferring to explain crime as a pathology, the source of crime and delinquency resided within the individual, a person capable of making rational choices and decisions, a person deserving some form of cure or correction.

Conservative social policy of this period is criticised for being unable to recognise the proper social dimensions of crime, and failing to understand the

interests of those people who are excluded from meaningful participation in society. Left realism insists on holding the individual responsible, but argues that the phenomena of crime must be viewed from an interdisciplinary perspective, one capable of dealing with and understanding reality, rather than the idealism that underlies traditional criminal law.

*Crime & Social Exclusion* indicates that the causes of crime, and those who suffer most by it, are better understood by examining the nature of social exclusion and the existence of the underclass. Left realism argues that informed criminological debate can only be properly examined holistically, because crime and social exclusion stem, not only from poverty and unemployment, but from other important factors: social and personal insecurity, a lack of access to the benefits of education and training, and a lack of proper housing and health care. To do this, crime and social exclusion are better understood by the creation of a synergy between criminologists and the makers of social policy. It is hoped that this will encourage a more constructive and creative debate on the causes and possible solutions to crime, rather than the reactive response found in conservative reasoning.

This critique of the after-effects of right wing social policies ridicules the way they have demonised the individual with the use of 'get tough on crime' policies that became prominent during the Thatcher era, and that have become more prominent still in the United States. The book constantly casts a warning that the road the Americans have taken is particularly undesirable, where 'the prison boom' has made

prison a familiar part of life for the poor, and has changed the very meaning of 'government'. In examining the 'American Disaster Area', where a 500% increase in incarceration has occurred over the last 25 years, left realism uses statistics and empirical studies to back up its observations and argument on social injustice. Left realists argue that too many people have placed their faith and credibility on measures such as, 'waving the big stick' and 'getting tough on crime'. The results of punitive policies that send growing numbers of people to prison for very long periods, is inevitably destroying people, and is an inherently destructive and internecine path for social policy to follow.

The strength of *Crime & Social Exclusion* is that it creates a counteractive force to the limitations and inadequacies of conservative social policies on crime, and heralds the opportunity for the further development of debate, hopefully to rectify the glaring social inequality and unfairness that plagues less fortunate communities. Ultimately the book distils the proposition that the social policies of contemporary right wing governments in the late or post modern world are doomed to failure in dealing effectively with the causes of crime. This book is timely and well suited to adaptation for Australian criminologists and those involved in the development of criminal justice policy, research and public discussion.

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## Australian Crime and Justice on CD-Rom

**RMIT Publishing. The series can be obtained for \$625 for a single user or \$1250 for the network version or as a single disk for \$150 for a single user, \$300 for the network version.**

*Australian Crime and Justice on CD-ROM* is an exciting new series of CD-ROMs containing the full text of various Australian criminal justice publications and documents. The series is published by the Australian Institute of Criminology in association with RMIT Publishing for both a national and international audience.

The first CD-ROM in the series, *Crime and Justice in Australia 1996*, contains 760 documents covering a broad range of criminal justice issues such as domestic violence, aboriginal

deaths in custody, AIDS and prisons, capital punishment and legalisation of marijuana. It includes statistics, issues papers, reports, journal articles and conference proceedings. Information is presented as scanned images of original documents or as searchable full-text. All information on the disk can be accessed by searching the Australian Criminology Database (CINCH), an index of Australian subject matter relating to crime, crime prevention and criminal justice. This provides subject indexing and abstract information for

all of the documents included on the disk. Also included is the full text of the first 58 issues of the AIC series *Trends and Issues in Crime and Criminal Justice*.

The second disk in the series, *The Australian Institute of Criminology on CD-ROM*, features scanned images and the full text of a range of Australian criminal justice publications and documents with an emphasis on statistical information. The CD-ROM includes, firstly, the 1997 edition of *Crime and Justice in Australia*, which charts changes in crime and justice in Australia in recent years. A *statistical profile of crime in Australia* incorporates four components: statistics on the level of crime in all Australian jurisdictions; the place of occurrence of crime by type of crime; offenders, charges and arrests; and responses to crime—cost, personnel, case loads and international perspectives. The CD-ROM also includes papers presented at both the First and Second AIC National Outlook Symposiums. The Second Symposium *Violent Crime, Property Crime and Public Policy* was held in Canberra on 3-4 March 1997. Other titles in the series available to date are *Crime and Violence Prevention, Corporate and White Collar Crime* and *Crime and Justice in Australia 1997*.

I found the CD-ROMs to be very user-friendly, incorporating easy search facilities and a comprehensive help facility. Each disk includes an instruction booklet explaining, for example, how to conduct a general query, search the database and view documents using Adobe Acrobat PDF. They provide an excellent research tool for criminal justice researchers and practitioners, and would be a valuable addition to any law library. The abstract information provided is particularly useful, and the inclusion of full-text documents enables quick location of relevant information. These features render the information more accessible than the same information in hard copy. The provision of current criminal justice information and statistics together with historical issues of journals and conference papers is of particular interest.

Overall it is an innovative collection which would be particularly useful for researchers, criminal justice practitioners, teachers, students, libraries and media organisations as a research and reference tool. A yearly update to the *Crime and Justice in Australia* series would be invaluable.

#### AMY MEAGHER

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