

Lawyers, Disney, Basten, Redmond & Ross

(Law Book Company, H.C: \$75.00; S.C: \$59.00)

Lawyers sounds like the title of an Auchincloss novel or a dreadful Division 10BA film. It is a book by Mr Julian Disney and 3 of his former colleagues in the Faculty of Law at the University of New South Wales. The first edition was published in 1977 and the second edition in 1986.

The primary aim of the authors was to prepare teaching materials for the Faculty's course, 'Law, Lawyers and Society.' That objective and the course title should not stop barristers going further. The authors collect a wide range of materials on the structure, composition and operation of the legal profession and link those materials with their own commentary.

There is a good deal of eye-glazing material. (The authors get in first with an observation about practising lawyers' lack of interest in theoretical developments.) I do not know what undergraduates would make of the sociological analyses of the concept of professionalism. The surveys of social characteristics of the profession probably only reinforce one's prejudices one way or the other too.

Not unreasonably, the second edition makes extensive use of excerpts from the discussion papers and reports of the New South Wales Law Reform Commission's recent inquiry into the legal profession. Mr. Disney, of course, played a major role in that inquiry. "Commissioner Disney" is cited in the collected materials. The authors adopt too the Commission's expressions. These are obsessions. The "Division between Barristers and Solicitors" becomes a whole chapter in the new edition. Much of the writing on this topic will render some barristers apoplectic. There is, however, a fair balance in the materials. The submissions to the Commission of **Yeldham J.** and **Samuels J.A.** are included.

This is not a fashionable book for the 1980s. I could not find the word "deregulation" used once, although there is much discussion of barristers' "work practices". There is only passing reference to the monopoly conferred on licensed practitioners. The regulation of the profession is, however, extensively covered and the materials even include part of an article by the Old President, Meagher Q.C.

The parts of the book dealing with the history and structure of the profession, and with entry to and regulation of the profession, may irritate some barristers. All the truly significant players get a mention from Francis Bacon to Wendy Bacon. The new Legal Profession Bill, nonetheless, makes the topics covered of vital importance. The authors do not come to grips with the challenges posed by the emergence of the new so-called "mega-firms" of solicitors. Perhaps the Bar is perceived to be an easier target?

The extensive materials on duties to clients and the duties of fairness and candour will be of practical use to all barristers. Every floor should have access to this book

for this reason alone. The materials have a special section on taxation advice post "bottom of the harbour".

The new edition is much slicker and better presented than the first. The purposeful male barrister on the cover of the first edition has been replaced by a group of thoughtful-looking barristers, one of whom is a woman. The irritating questions at the end of sections have been omitted. (No doubt, any indolent teachers will use the questions from the first edition.) There are minor errors which are perhaps unavoidable in a work which seeks to give a national coverage of practice matters. For example: Who issues practising certificates in the Northern Territory? (The Law Society, not the Master of the Supreme Court.) In what circumstances will disciplinary proceedings against a barrister be initiated by the Supreme Court itself? (See **Prothonotary v. Costello** (1984) 3 NSWLR 201). There are annoying omissions from the first edition, e.g. the cross-referencing in the introduction to the letter to the Editor of the Sydney Morning Herald from **Jacobs J.A.** (as he then was) about general practitioners and specialists, which is included further on in the materials. **Lawyers** is, however, a collection of materials, particularly Australian ones, which is unlike any other available. It is an indispensable starting point for research into the legal profession in Australia. □

Antony Whitlam Q.C.

Commercial Exploitation of Personality by Samuel K. Murumba

(Law Book Company Limited, HC \$39.50)

The focus of this book, as the author puts it, is "unauthorised commercial appropriation of personality, likeness and reputation".

It is an interesting and very readable book, dealing with a topic of increasing interest.

The discussion and analysis of the availability of an action for passing off is dealt with in some detail, and in a well presented way.

The author also discusses and points up the limited way in which an action for defamation can be of assistance to someone complaining of unauthorised appropriation of their personality, and the like.

Sections 52 and 53 of the Trade Practices Act receive some attention from the author but not in the sort of depth that one might expect.

I believe it will be found by those with a problem in this fairly narrow area to be a useful tool of trade.

The book seems to me to have some shortcomings, however, It is based on a thesis written in 1979. One suspects that the material which relates to the post 1979 period has not been analysed in quite the same depth as was the material incorporated in the thesis. Further, the