

## By Neil Watt

It's not easy being a lawyer. Not only do we have one eye firmly fixed on our clients' interests, we have another trained on our duties to the court, to the law and the overall administration of justice. And we must not forget our conduct rules, professional standards, ever-increasing regulations and the watchful gaze of government-appointed regulators.

In this edition you will read about lawyers' ethics, the challenges some have faced and the answers some have found.

A common theme runs through it: the ethics of our profession cannot be reduced to rules. They are not about achieving minimum standards but about exceeding the best of standards. Before all else, we are officers of the court and while our conduct must be guided by that office, our ethics are about character before rules; they are intrinsic before they are extrinsic; they are about *personal commitment* before *legislative compulsion*.

Legislation restricting the advertising of personal injury legal services has often left me wondering whether it is driven by a genuine concern for consumer protection or by the same industry interests that gave us the tort reform movement. In her article, Jeni Engel considers the price society is paying for these restrictions.

Virginia Shirvington set the standard for ethics lawyers during her years with the Law Society of NSW. Among her many great contributions to the field is her work on conflicts, to which she adds in this edition.

While Australia was focused on the Howard government's use of its anti-terror legislation – and the media on its prosecution of Dr Mohamed Haneef – two almost accidental heroes, Peter Russo and Stephen Keim SC, inspired us all with their fearless defence of their client. In this issue, Stephen Keim SC describes being on the receiving end of a complaint to the Legal Services Commission over his release of a police transcript of interview with Dr Haneef.

Money – and costs – are prominent causes of complaint against lawyers. Maxine Evers looks at some recent cases on costs in the light of the ethical duty of disclosure.

For better or worse, the regulation of our profession is going through some major changes. In her article on regulations and discipline, solicitor and academic Kay Lauchland is optimistic about where we're all heading.

The hoary old debate about whether law is a business or a service-focused profession troubles me. Surely it has always been both. The trick is to run your legal business ethically. In his article, Keith Rewell SC challenges us to do just that.

It is in the courtroom that our professional conduct comes under the greatest public scrutiny. Barrister Gerry Mullins gives sound advice on courtroom etiquette in this month's Trial School column. ■

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