

QLS responds to media criticism of solicitors

The President of the Queensland Law Society, Ray Rinaudo, wrote to a Brisbane newspaper following several months of criticism of the legal profession. An edited version of that letter is reprinted here:

Shakespeare had one of his characters in Henry VI say: "the first thing we do, let's kill all the lawyers."

Hitler, when he took over Nazi Germany in the 1930s, promised to actually do so.

After all the criticism of lawyers in Queensland lately, I'm waiting for someone to suggest it here.

The legal profession's role of protector of the people against undue interference in their liberties has long been a thorn in the side of those who have a vested interest in the kind of human rights abuses that exist in many countries today.

Queensland and Australia are leaving what has been an extraordinary time - corruption, business failures, the shock of recession.

Given our national difficulties, it is obvious that some have reason to resent the legal profession and make a scapegoat of its most visible branch - solicitors.

As a service industry, where the results of lengthy complex processes can often seem simple or just paperwork, it is easy to suggest rip-offs, rorts and ridiculous overcharging. As in law, however, it is another matter of proving it.

I honestly believe there is not a serious problem.

There is nothing new in the poor public regard in which solicitors are held. I became aware that we were a bit like the police -- only appreciated when needed -- soon after becoming an articled clerk some twenty years ago. But while lawyers have always endured their "bad press" or image, most of the criticism that has appeared in these pages [*Brisbane Courier Mail*] in the past few months is not only ill-informed and lacking in balance, it is

also wrong and unfair and it is starting to affect solicitors personally.

The average solicitor is NOT wealthy, dishonest and incompetent, not a contemporary Uriah Heep, nor does he or she work in one of Brisbane's riverside skyscrapers and have a millionaire LA Law lifestyle.

Instead, the average self-employed solicitor in Queensland earns around \$60,000 a year, has a family and is more likely to work in an office in the country or own a small suburban practice.

He or she must also: pay staff holiday and long service leave and superannuation; make an average \$90,000



investment in premises, furniture and equipment; employ two to five staff; pay normal commercial overheads such as electricity and rent.

He or she is as much a small business operator as your newsagent or baker and makes a similar contribution to the local economy.

He or she is as important to your community as your doctor or dentist and, like the doctor or dentist, has sometimes to tell you bad news about your case or contract or give you advice you may not like to hear.

Employed solicitors, after five to six years of study, earn on average \$600 a week. Hardly Hollywood and LA Law!

Queensland's 3500 solicitors participate in the Society's continuing legal education programme, keeping up to date with the thousand new laws and regulations passed every year.

When admitted, each solicitor is subject to the ethics and discipline of the Queensland Law Society.

It is easy to complain anonymously that your solicitor took too long to get your case into court, didn't get a good enough result, gave you advice that you didn't like and charged you too much.

If you have a dispute with your solicitor, bring it to the Law Society and we will mediate if you wish.

Any complaints about dishonest or incompetent solicitors will be investigated and dealt with.

If a solicitor is found guilty of gross misconduct, he or she will be struck off.

The Society is as disturbed at reports of shyster lawyers as any member of the public and welcomes any substantial complaint or information.

To ensure legal proceedings and advice are cost-effective the Society is constantly reviewing procedures.

To that end, we have made submissions to a variety of bodies.

We have allowed solicitors to advertise their services, slashed conveyancing costs by 20-30 per cent in two years, and deregulated solicitors so that consumers can now shop around for the best price on some transactions. Similarly, a consultation fee of \$20 for 20 minutes has been introduced by many solicitors.

In doing so, we have not dropped professional standards.

It is not well known that all of the legal aid given to those who cannot afford a lawyer has come indirectly from the funds held in trust by the legal profession.

Similarly, the trust funds created and managed by the Law Society have contributed to date another \$5 million to community legal centres and academic research in the public interest. I resent some of the slurs on solicitors. Apart from a few "bad apples" which we are pleased to toss away, this is an honourable profession.