

Let's Clone All the Lawyers

By A K Grant

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The recent revelation concerning the cloned sheep named Dolly has proved yet again, as if proof were needed, that the Scots are the most intelligent, and also the most alarming race on the face of the earth.

David Hume, Robbie Burns, Lord Braxfield, Sir Alexander Fleming, Denis Law, Billy Connolly - the list is endless. However, I do not wish to exalt my own Scottish ancestry. That would be an improper, although enjoyable use of this space. What I wish to do is explore the implications for the legal profession of the cloning of human beings, a development which, despite pious denials, is bound to occur as a result of this latest manifestation of Scottish genius. After all, was it not Burns who cried "A man's a man for a' that!" Today he would write "A man's a man for a' that/And so is the other man who's just like him/And the other man who's just like the two other men I've just been talking about."

Doesn't scan very well, but scansion, like human identity, not to mention mortality, is now a thing of the past, in this brave new world we are entering. But what we have to consider and anticipate is the effect that cloning will have upon legal practice and judicial behaviour.

There will be law firms Smith, Smith, Smith, Smith and Smith, where all the partners are identical with an indistinguishable from each other. There are, in fact, firms like that now, but cloning will put the whole situation on a scientific basis. This will be good for clients, who can pour out their woes to someone who looks exactly like the person they poured their woes out to last week, even though it is not the same person. But there may be internal auditing problems for the firm itself: who is to say which Smith is entitled to a six-minute time costed unit when, in a sense, all of them are? That is a matter which the Law Society's Ethics Committee will have to grapple with in due course.

And there will be difficulties for secretaries. It will be no good saying, "Mr. Smith can't take your call, he's with

a client," when in fact, four of him aren't. And the potentiality for the practice that lawyers have of sleeping with their partners' wives will be exponential although of partners' wives are cloned as well, as presumably they will be, it may not matter to much. But what about the partner who refuses to retire and simply replaces himself with a clone of himself? What chance will any gifted young person have of entering the profession? The glass ceiling will become a sheet of smoke-dark perspex.

More serious is the impact of cloning on the bench. A full bench of the Court of Appeal may consist of five clones. It is bad enough now, when at least they all look slightly different from each other. It will be nerve-racking when they all look the same. You won't know who you are talking to; they will all pick on the same points at the same time, and there will be no possibility of a dissenting judgment. There will be four lots of "I agree and have nothing to add." And how will the president work out who gets to deliver the judgment? And how will we know who is the President anyway? The Chief Justice is going to have to work out a carefully worded practice note to deal with that issue.

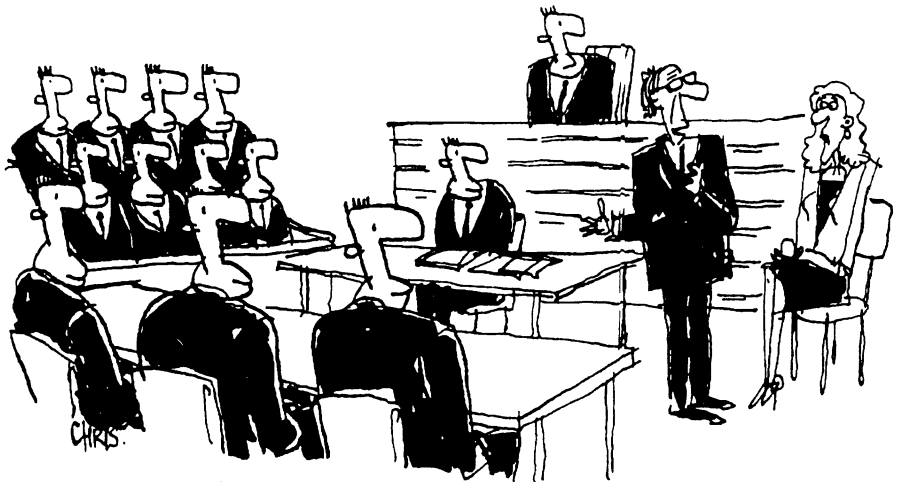
And think of the testamentary consequences. A will will mean nothing if

the deceased is survived by a clone. Well, put it this way a *conventional* will will mean nothing if the deceased is survived by a clone. But I suppose that the profession which thought up the springing use and the concept of lives in being and 21 years thereafter may be equal to this particular challenge. All I am saying is that we have to be ready for it.

The problem is with the dual nature of the law. The law either limps behind human ingenuity, as in the case of cloning, or leaps stratospherically ahead of it, as in the case of Cook Islands tax transactions, so fiendishly ingenious that they seem almost to have been devised by a different species.

But it is no good throwing up your hands in despair and saying, "It's all too complicated; I'm just going down to the Number One Court and do criminal legal aid", (my own instinctive reaction). Because if you do, sooner or later you will be confronted by client/clones, one of whom is willing to do the porridge on behalf of the other, or by a jury of clones who (a) won't be able to choose a foreman, or if they do, (b) will reach a verdict without leaving the box.

I tell you, it's a worry. However, I am turning it to personal advantage by writing a musical, the centrepiece of which is the showstopper, "Send in the Clones".



AND CAN YOU IDENTIFY THAT MAN IN COURT TODAY?