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QUEENSLAND COUNCIL OF PROFESSIONS

CONTINUING EDUCATION DINNER FUNCTION

BRISBANE, 7 JULY 1983

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The Hon Mr Justice M D Kirby CMG
Chairman of the Australian Law Reform Commission

A CLASH OF VALUES

Some of you will have been present at the Opening Ceremony of the Australian Legal Convention on Sunday last. It was a grand occasion. The band members stood as they played the old Anthem. Distinguished judges and other lawyers from far-away lands, once united in the bonds of Empire, arrived in solemn procession. The Governor-General offered a reflective comparison of earlier legal conventions held in Brisbane. An English Law Lord brought greetings from the Lord Chancellor and numerous other legal worthies of the United Kingdom, whence our legal system sprang.

But on the stage, there emerged a deep and abiding difference between the perspective offered by the President of the Law Council of Australia, Mr Gerry Murphy, and the Attorney-General of the Commonwealth, Senator Gareth Evans. Both are young men of ability and high professional attainments. Both are no-nonsense men — used to calling a spade a spade. Both were soberly, indeed immaculately, dressed. Both spoke with assurance and commitment.

But a greater study in contrasts between these two lawyers could scarcely have been offered. The contrasts are important because Mr Murphy is the elected head of the body which represents the legal profession in all of its branches and in all parts of Australia. Senator Evans is the elected and appointed First Law Officer of Australia. As Sir Walter Campbell, Chief Justice of Queensland, remarked, we have learned in the short period since Senator Evans became Attorney-General, to know something of his personality. Of his intellect, energy, zeal and determination, there can be no question.

Mr Murphy proclaimed the theme chosen by the organised legal profession. 'Back to basics'. With great determination, even a note of emphatic command, he told the assembled lawyers that there had been more than enough self-examination and self-recrimination in recent years and at recent Conventions. In Brisbane in 1983, we were told there must be no more of it. We must get back to a study of basic black letter law. We must stop the introspective examination of the legal profession, its personnel and the services it offers. This injunction was repeated three times, presumably in case our concentration had strayed during the speeches. Surely it could not be against the possibility that anyone in the audience, the cream of Australia's legal profession, was slow on the uptake. Accordingly, gone are the studies of law reform, the organisation of the profession, community justice, legal aid and so on. These are banished — nowhere to be found on the program. Instead, the emphasis is on lawyerly things : privative clauses, the extraterritorial operation of State Revenue Acts, contracts with third parties, tax planning, the Mareva injunction and the intricacies of estoppel law. The organising committee in Queensland enforced its views of priorities on the program with utmost rigour. Mr Murphy was thoroughly sick of the plague of self-doubts and professional self-flagellation. There must be none of it, he repeated for the third time. We should all just get back to basics.

Now, as recent experience shows, Senator Evans is not one to submit readily to instruction of this kind originating in Queensland or anywhere else. Indeed, his paper, which he was invited to deliver long before he was appointed Attorney-General, is one of the few exceptions to the black letter fare of the Convention. It was delivered this morning on 'Discrimination and Human Rights'. The subject has suddenly become very relevant and topical in view of the decision of the High Court of Australia last Friday in the Tasmanian Dam case.

Disdaining the thrice repeated injunction to stick to black letter subjects, Senator Evans followed Mr Murphy at the Opening Ceremony with a tour de force which outlined his view, presumably, of what was 'basic'. You have all seen the headlines. 'Cut lawyers' fees or else' was the fairly accurate summary offered by the Sydney Morning Herald.[1] Of course, one cannot get much more 'basic' than to talk about fees, costs and income. But somehow I do not think these were the 'basics' to which Mr Murphy and his team were calling us back. The most telling statistic of all, reflecting the 'very serious financial crisis in legal aid' was put neatly by the Attorney-General:

> A simple and alarming statistic is that since 1979-80, Commonwealth Legal Aid payments for private lawyers have increased in real terms by 80.2 percent, whilst the number of cases handled by those lawyers during that period has increased by only 27.1 percent.[2]

But then, Senator Evans went on to suggest a number of cures. They included:

* simpler and cheaper legal procedures in areas such as family law, conveyancing and accident compensation;
* Federal regulation of legal fees in Federal courts and tribunals, whose importance on the Australian legal scene has been growing in recent years; and
* moves from continuing increases in the support for the private practising profession to the growth of alternative sources of advice, including a larger salaried legal profession. Though less independent, they might be much more cost-effective in some work.

My ears pricked up when Senator Evans turned to the subject assigned to me for my talk tonight:

> The development of new and more efficient methods for the delivery of legal services is seriously inhibited by restrictive practices operating within the profession, such as the rule against advertising and the rule against fee cutting. The ban on fee advertising deprives the public of vital information on which to base choice of practitioners. If, for example, a lawyer is willing to visit clients at police stations in the middle of the night, to undertake all undefended divorces for a standard fee, or to handle all conveyancing for $30 below the prescribed scale, why should he or she be prohibited from advertising the fact?[3]

Why indeed? This question now posed by the First Law Officer of Australia is addressed not simply to lawyers assembled in their Conference at Brisbane, but to all Australian professions. In an age in which so much is changing, should the professions in Australia move to permit advertising; and if so on what terms?

PROFESSIONAL DOUBTS

I think it must be conceded that few in the hall who listened to Senator Evans, few of the assembled glitterati of the Australian legal profession, would have found his idea on advertising appealing. On the contrary most, almost certainly, would have agreed with Lord Justice Scott, quoted in Michael Zander's book Legal Services for the Community:

> Touting for clients, like advertising, is fundamentally inconsistent with the interests of the public and the honour of the profession. The function of a solicitor is to advise or negotiate or fight for a client, but only if retained. The client may seek him; but he must not seek the client.[4]

The debate about advertising is not, of course, confined to lawyers. It is a general issue that concerns all the professions in Australia. Traditionally, they have not advertised. Traditionally, they have been discreet, modest, even self-effacing. They have relied on the principle that a good reputation will get around. It will be known in the circles 'where it matters'. Self-aggrandisement and self-promotion have typically been regarded as the very opposite of the acceptable conduct of an Australian professional person. The rules of behaviour in the professions are akin to those in a gentlemen's club. Balmain boys don't cry. Professional people don't push themselves forward. Advertising, it is feared, would destroy the dignity of the professional.

If anyone has doubts that these are the views of the majority of Australian professionals, they need not go further than the July 1983 issue of Medical Practice. In a special report on advertising in the medical profession, the headline tells all:

> Advertising? Most say a vigorous 'No'.

Asked the question 'Do laws and ethics concerning advertising place unfair restrictions on you as an individual and medical practitioner' only 26% of general practitioners said Yes. Seventy three percent said No. The figure was even lower on the part of specialists. Nearly 80% of specialists did not feel that the present laws and ethics constrained them. When asked if the restriction should be eased, there was a bigger vote in favour of easing them. But a clue to the reason for that vote can given by the principal suggestions for the easing of restrictions:

* 84.6% wanted to be free to 'defend medicine from uninformed attack and criticism';
* only 55.4% believed in open competition in the market place.[5]

Of those opposed to an easing of restrictions, 61% said that such open competition in the market place 'would be disastrous for the profession'. Comments from the doctors quoted in the journal include:

* patients have to find out the hard way about chiropractice and the like;
* advertising as in the USA would be bad for Australia;
* advertising would encourage and promote overservicing;
* advertising lowers the standard of professionalism. Good work speaks for itself;
* it would only help to help the 'get rich quick' medico; and
* deregulation leads to commercial exploitation, advertising in medicine must be restricted to professional truth, not marketplace half truths.

Even in the United States where, as I will show, advertising in the legal profession is now commonplace, questions are now being asked. 'You can advertise now', wrote Kimball Baker in 1981 — 'But should you?':

> Those lawyers who would answer most immediately 'yes' are probably members of high volume law firms that call themselves legal clinics. Their numbers have rapidly increased in recent years to nearly 1000 nationwide. 'Now with lawyer advertising, attorneys must begin looking at their profession as a business' says Gail Koff ... [who] started less than ten years ago with four clinics in Los Angeles now has 75 clinics in California and New York and plans to expand to every major US city within the next few years. The firm's sophisticated TV advertising showcases its criminal law services on 'Perry Mason' reruns, its social security law skills on soap operas and its divorce expertise on TV game shows and during late-night movies.[6]

The legal profession in Australia has moved slowly in the direction of advertising. At first, it was an uphill battle. The Law Institute of Victoria held an Annual Conference in 1980. The startled members sat through video tapes of advertisements shown in the United States. The feelings of members soon became apparent. Suggestions for the liberalisation of laws against advertising were roundly rejected. The main points made were:

* unwieldy and outmoded cost scales were the primary cause of economic pressure on solicitors
* advertising could lead to fee cutting which would increase the economic pressure on practitioners
* large firms would have an unfair advantage
* achievement and reputation were the most desirable means of promoting a practice
* advertising costs would be passed on to the consumer
* individual advertising would demean the legal profession.[7]

THE REFORMS COME

Despite this feeling in 1980, by October 1982 amended Rules permitted legal practitioners restricted rights to advertise in newspapers and magazines. The first such advertisements for solicitors' services appeared in the Melbourne Age on Saturday 2 October 1982 under the symbolic scales of justice. The Law Institute Journal was quick to point out that there were breaches of the Rules. Solicitors may not say that they 'specialise' or 'are specialists' in any field. Nor are they authorised to publish photographs or logos. They may not prefix 'AAA' to give priority. They are permitted to say in their notices that they charge no more than $10 for a first interview not exceeding 15 minutes; but they may not say that no charge at all is made for the first interview. Expressions such as 'prompt and efficient service' and 'reasonable charges', though harmless puffing, may not be used as they go beyond what is stipulated in the Rules. Doubtful cases are to be referred to the Law Institute.

Possibly in support of the advertising by individual practitioners, possibly in competition, the Law Institute of Victoria launched a pilot project of institutional advertising. Video tapes featuring the newsreader Sir Eric Pearce. They deal with personal injury and workers' compensation cases and a study is being conducted of their likely impact.[8]

Reform to permit advertising within the legal profession has become about under the pressure of a number of institutions.

In the United States, the decision of the Supreme Court of that country in 1977 lifted the total bar on lawyer advertising that had existed since 1908.[9] Suddenly, the legal profession was launched into a re-examination of itself and of its communication with the public. But in the United States, the change was forced upon that country, not by professional re-examination, nor even by a warning speech of a reformist Attorney-General, but by the decision of the highest court in the land, based on the requirements of the Federal Bill of Rights. The Supreme Court simply held that lawyers had a constitutional right to advertise in print their prices for routine legal services. Following the decision, all States of the United States adopted new rules to allow at least some promotional activities by lawyers. The amendments vary widely from State to State. They regulate the permissible content, format and media of lawyer advertising and solicitation. Many of them still prohibit lawyers from communicating the type of information that the Supreme Court and various public surveys have suggested is the information most needed by the public to maximise the availability of lawyerly services. In addition, some of the States still prohibit lawyers from using the advertising techniques that are the most effective in reaching the very people disadvantaged in access to

lawyers. The fact remains that the Supreme Court decision in the United States really set the cat amongst the constitutional and other pigeons. Federal Supreme Courts have a tendency to do that from time to time. Now, I would not want you to think that the idea of professional people promoting themselves is entirely modern or can be laid at the door of the US Supreme Court. Dr Samuel Johnson once observed:

> It is easy to stir up law suits; but once it is certain that a law suit is to go on, there is nothing wrong in a lawyer's endeavouring that he shall have the benefit rather than another ... I would have him inject a little hint now and then to prevent him from being overlooked.[10]

Dr Johnson confined his remark to differential advertising ie 'choose me; not him'. Modern advocates for professional advertising have a more serious object in mind. This is that the professional should reach out to and seek to serve those who are too often neglected or overlooked by self-contented gentlemanly clubs. In 1978, the American Bar Association, following the Supreme Court decision, conducted a survey 'The Legal Needs of the Public : The Final Report of the National Survey'. It examined 2000 housholds and found that:

> Lawyers are consulted for slightly less than a third of all the problems that reasonably could be called legal problems.[11]

One commentator observed:

> Not every client is uninformed or naive, but there is no doubt that the more open practice of law has been a boon to many people who couldn't or didn't take advantage of legal services. 'Most of my clients', says Michael Broderick of his clinic near Buffalo 'are blue collar workers or senior citizens who want quality legal services but are not poor enough for public legal aid, and are not making enough money to afford the services of the oriental carpeted offices of downtown law firms'. ... [Another] clinic gets 80% of its clients through advertising and reports 'What we are finding is that people who come to us primarily don't know of any lawyer or a way to find or evaluate one. Advertising doesn't give people a great deal of information, but it does give them something'.

As for the deep fear that access to advertising would be used to bring down the dignity of the professions, three responses have been offered:

* The first is the somewhat ironic, almost humorous, comment of Supreme Court Justice Harry Blackmun who wrote the leading opinion for the US Supreme Court:

> It is at least somewhat incongruous for the opponents of advertising to extoll the virtues and altruism of the legal profession at one point and, at another, to assert that its members will seize the opportunity to mislead and to distort.

* Another response, frequently offered, is what I will call the 'so what!' response. This is the answer of angry people, including professional people, concerned with the large numbers of fellow citizens with legal rights and problems unattended by present professional arrangements and unassisted by present methods of funding (whether Medicare or Legal Aid). To them it is more imporant that people who are in need of help should be given information as to how to get that help and at least minimal data that will encourage them to cross the threashold and seek out expert advice.

* But there is a third group who confess and avoid. One of the most vigorous lawyer advertisers in the United States is Ken Hur — not 'Ben Hur' — of Madison, Wisconsin. As a gimick he drove a hearse around the fair town of Madison, advertising 'no frill wills' for $15. But he had similar vivid advertising about other ordinary legal problems. And he offers his comments in a typically outspoken way, about the dignity of lawyers being at risk:

> After Watergate, when all those fancy lawyers went to gaol, what image were they trying to protect?[12]

Another source of promotion of advertising comes from the writings of professional economists. An important recent book by John Nieuwenhuysen and Marina Williams-Wynn, 'Professions in the Market Place', subjects the Australian professions to scrutiny on economic criteria. The scrutiny is conducted with reference to the vigorous competitive philosophy of the Trade Practices Act. That Act has been enforced as against some traditional professions in Australia, such as engineers and insurance personnel, because, being organised in corporations, they are subject to its discipline. Other professions have escaped the Trade Practices Act because the Constitution excludes its application to most sole practitioners and individuals. The conclusion reached by Nieuwenhuysen and Williams-Wynn is rather similar to the conclusion reached by Senator Evans. Perhaps Senator Evans had read the book:

> Directly and indirectly, competition restrictions mean higher prices for professional services. Abolition would directly reduce prices for some services, such as conveyancing ... [I]ndirect results of restrictions are less efficient use of resources, discouragement of new developments and rigidity in structure and trading methods of professional business. Restrictions reduce pressure on members of professions to improve economic efficiency, and help delay new forms of service and elimination of inefficient members. The most effective restraint on competition is probably a collective obligation not to compete on price, including a bar on advertising. Economic reform must therefore aim mainly at price competition and individual advertising. As one British study concluded, 'The introduction of price competition in the supply of a professional service where it is not at present permitted is likely to be the most effective single stimulant to greater efficiency and innovation and variety of service'.[13]

In addition to decisions of the courts, calls by reforming politicians and the writings of professional economists, law reform agencies have lately played their part. The New South Wales Law Reform Commission, for example, has delivered a report, Advertising and Specialisation. Although confined to barristers and solicitors in New South Wales, the implications clearly go beyond the legal profession. The report urges amongst other things that:

* solicitors should be permitted to advertise willingness or unwillingness to accept work in particular fields
* solicitors should not be permitted to advertise themselves as 'specialists' or 'experts'; but should be able to use such words as 'preferring' or 'being specially interested in' particular fields. The price of specialisation in the legal profession is, as in the medical and dental professions, organised and systematic post graduate studies to justify the claim of a specialist
* barristers, said the Law Reform Commission, should be permitted to advertise about their willingness to accept work in a particular field. The Bar Association should prepare a directory to this end
* generally speaking, advertising would be subject to the basic rules that it must not be false or misleading; that it must not claim superiority over other solicitors; that it must not be vulgar, sensational or such as to bring the profession into disrepute and must not contain testimonials or endorsements

* as well, an approved list of practices was suggested, such as the fields of practice that the lawyer was willing or unwilling to accept, matters as to fees such as acceptance of credit cards, fixed or maximum fees or hourly rates and the willingness to offer undertakings as to the speed of service guaranteed.

The New South Wales Law Reform Commission did not rule out radio or television advertising, provided that the lawyer complied with the rules recommended by it.

The New South Wales Government is still considering the recommendations made by the New South Wales Law Reform Commission. Meanwhile, the debate has spread to the accounting profession. A Publicity Review Committee reported to the National Council of the Institute of Chartered Accountants in Australia in November 1982. The most significant proposed change is that a member may place professional practice announcements in all forms of printed media or on radio or television, provided it is in conjunction with an institutional advertisement at the member's cost. There is a further requirement that the advertisement must be approved by the Institute.[14] The examples could be continued. Virtually every profession in Australia is re-examining its rules on advertising. The same is true in most overseas English-speaking countries. In the United States, there is the continuing stimulus of the First Amendment guarantee of free speech.

SEEKING THE COMPROMISE

What is the position that has been reached? What are the likely developments in the years ahead? First, it must be said that the majority of professionals in Australia are probably still strongly opposed to advertising. They are prepared to concede:

* institutional advertising — on behalf of the whole profession by associations and societies
* very small 'professional card' advertising — but with no more than the name, address and basic details. Even this may be felt out of place, save for changes of address or like good cause
* as for personal advertising or vivid television productions : these are looked upon with general disfavour. They have not been necessary in the past. They would demean the professional image. And this might undermine the social status and earning capacity of professionals. It might also add to total costs and put a large burden on already hard pressed small operators.

In short, most professionals in Australia think things have been done rather well in the past and see no good reason for changing things.

In addition to the reasons for change offered by courts, economists and law reform bodies, other reasons for change are now appearing. They seem likely to hasten the moves beyond institutional advertising to advertising of individual professionals. Two developments are occurring which seem likely to put pressure on representative bodies and governments. The first of these is a growing realisation within the professions that, under present rules, the professions have not reached out to important sections of the Australian community. They have not provided services effectively for these sections and such people have not really known how to go about seeking professional help. The second is the likely diminution of some professional work, particularly in response to computerisation. The microchip will hit the professions, just as it hit car assembly workers and steel workers. It will do so for the same reason. Computers will take over routine work. In the law, this means much land title conveyancing, some accident compensation work and even activities such as production of wills, probate and perhaps simple decision-making.

As it seems to me, it is this coincidence of declining markets and a rising sense of obligation to untapped markets that points the way ahead for professional advertising. Land title conveyancing is, for example, the source of approximately 50% of the fee income of lawyers in Australia. If that were to be significantly reduced — as inevitably must happen with land title and land use data computerisation — that alone would profoundly affect the available income producing work of the Australian legal profession. Doubtless the mighty micro will have important effects on accountants, the delivery of some medical services, the engineering profession and so on. Where there is routine work, the microchip will substitute electronic activity for human activity.

The professions are not going to just sit there and accept the total destruction of their income base. They are going to put up a doughty fight. One response will be akin to the response of the railway workers in New South Wales. Fearful of the radical reduction of their numbers, they are seeking to maintain manning levels, in the name of safety. In the years ahead, we will hear many similar pleas from professional people as well. Already at the Legal Convention, we have heard from President Murphy a passionate call for the preservation of the cost-intensive way by which we presently compensate certain victims of accidents.

As the professions see the impact of structural change upon activities long regarded as the backbone of their work, some will fight to preserve the status quo. The more far-sighted will look around for new worlds to conquer. Those that do that will perhaps study the way in which legal clinics, tapping a previously untapped market, have grown up and flourished in the United States : the process stimulated by vigorous advertising. Word of mouth may never reach into the circles served by such legal clinics. The club-like atmosphere of the old professions will not be relevant to these people, for they will know nothing of it. Some professionals will question the possibility of serving such a group. How can they possibly afford the fees which will make it worth the professional's while? This was the approach suggested by the Chief Justice of Queensland in opening the Eighth Australian Law Reform Agencies Conference in Brisbane last Friday. I quote part of what Sir Walter Campbell had to say:

> I do not think that law reform agencies should concern themselves too much with trying to make rules of law more intelligible to, or more acceptable to, every strata of society. In an increasingly complex society, it is a delusion to believe that the law can be made simple. Those who for the time being possess the necessary wealth or hold positions of influence can generally buy their way through what might be thought of as a labarynth of legal rules, and it is unrealistic for legal rules to be constructed so as to protect all of those who may form part of what is compendiously described as the underprivileged sector of society — a sector which will always exist as a result of a variety of perennial human causes. The causes of poverty are economic and cannot be eliminated (although the consequences can sometimes be diminished) by actions of a law reforming kind. Should not the Law Reformer have his eyes fixed on the middle 60% of society, or do I sound bourgeois?15

The middle 60% of society. This is the sector that the professions have, until now, overwhelmingly served. There have been forays into the 'underprivileged sector of society', stimulated by voluntary individual service, legal aid and medical benefits. But now many professionals are asking whether there is not a professional obligation to reach out more effectively to the other 40%. Some are even asking whether it will not become an economic necessity as even the 'bourgeois' middle class finds professions beyond their reach. Campaigns in North America by H & R Block and other tax services appear to have encouraged a large number of first time users to try tax preparers. Also in North America, when advertising was permitted for opthalmologists, more people were found to seek spectacles 'with greater frequency in the States with less professional control'.16 Mass media advertising in North America has been found most effective in the

more densely populated markets and with respect to routine, frequently required services. Of course, there must be rules. The rules must govern claims to specialisation. They must forbid activities that would damage the capacity of hard working professionals to serve their clients. Perhaps they must control the size, format and medium of advertising. There should be guidelines on what is appropriate and what is not. The changes should be introduced gradually and their effects carefully monitored. The objective should be information about professional services to the community, not ego trips or self-aggrandisment for particular professionals.

Experience in North America suggests that only a small proportion of professionals will avail themselves of the opportunity of advertising. Most professionals will just continue relying on word of mouth recommendations. They will always remain a very effective and perhaps more reliable method of promoting a particular person's special skills. But I am afraid I cannot agree with Sir Walter Campbell's view that we should resignedly accept our fate and just go on serving the middle class 60%. American experience shows that, approached through their normal channels of information, the other 40% may be induced to come forward with their professional problems. If they do so, this is good for them. It is good for society. Happily, it is also good for professionals. In a time of rapid change, professions must adapt or, like the dinosaur, face extinction and replacement by specialised, low cost para-professionals. I for one should not like this to happen.

The distinguishing mark of the professional man and woman in Australia is the ideal of service beyond self-interest. It is an ideal not always met : but it is the goal. It is the notion that, ultimately, the best interests of the client or patient must be the guiding star. If this is so, then it has to be acknowledged that the '60% syndrome' is more comfortable, dignified, respectable and, presently, more popular. But it is fundamentally inconsistent with the notion of professionalism as serving the whole community — all 100% of them. If the professions are truly to reach out to the whole community, and offer services to them, institutional and professional advertising is a price we should be prepared to pay. The pressure to reach out will come not from some Damascus Road conversion to the merits of advertising. In Australia, it will come not so much from court decisions, constitutional guarantees, strongly worded political messages or even law reform reports. It will come from the economic necessity which professional people of the future will face to make an income where the traditional avenues of routine professional work decline and even disappear. This is a time for professionals to be quick on their feet and not to miss professional opportunities. Happily, the notion of reaching out to 100% of the community is entirely consistent with the professional ideal. If we lose a little of our

dignity and mystique by advertising that reaches out and informs people about professional services, that will be a small price to pay to bring the gifts of professional skills to our fellow citizens.

FOOTNOTES

1. Sydney Morning Herald, 4 July 1983, 1.

2. ibid.

3. As reported, the Australian, 4 July 1983, 3.

4. Quoted in J Nieuwenhuysen & M Williams-Wynn, Professions in the Marketplace, Melbourne University Press, 1982, 46.

5. Medical Practice, July 1983, 27.

6. B K Baker, You Can Advertise Now — But Should You?, in Barrister (ABA Young Lawyers Division), Summer 1981, 14.

7. Victoria, Law Institute Journal, Vol 54 No 5, May 1980, 237.

8. Victoria, Law Institute Journal, Vol 57 No 4 , April 1983.

9. Bates v State Bar of Arizona, 433 US 350 (1977). See L B Andrews, The Model Rules and Advertising, in ABA Journal, July 1982, Vol 68, 808.

10. Cited Baker, 16.

11. id, 17.

12. id, 17.

13. Nieuwenhuysen and Williams-Wynn, 70.

14. The Chartered Accountant in Australia, February 1983, 9.

15. W Campbell, Opening of the Eighth Australian Law Reform Agencies' Conference, Brisbane, 1 July 1983, mimeo 7-8. Emphasis added.

16. Benham, The Effect of Advertising on the Price of Eye Glasses, (1972) 15 J Law & Eco 340, 340-5; Benham and Benham, Regulation Through the Professions : A Perspective on Information Control (1975) 18 J Law & Eco 421. See also C N Mitchell, The Impact, Regulation and Efficacy of Lawyer Advertising, (1982) 20 Osgoode Hall LJ 119, 126.