

## **'What makes a lawyer in 2017?'**

Richard was no stranger to the legal system. As a veteran criminal defence lawyer, with over 20 years specializing in violent crime, he was well acquainted with it. In fact, he revelled in it.

He was, however, thoroughly sick of the focus on continuing professional development and ethical standards. Richard thought many of these rules were plainly inconsistent with acting in the best interests of his clients and he had not yet attended a compliance seminar that taught him anything new. Sometimes he could not manage to complete the mandatory CPD requirements, but surely work was more important?

The law, according to Richard, demanded that he represent his clients with zeal and if that meant not disclosing all necessary information to his opponents or sacrificing some ethical niceties in the process, well, that was too bad. Sometimes, he ruminated, there were perfectly good reasons to delay depositing a client's money in the firm's trust account or to withdraw it without telling them. After all, he could not represent them if he did not get paid.

Richard deliberately chose to act for the most notorious clients. They were, as Clarence Darrow had once said, 'the despised and the damned' and he relished his reputation as their irreverent, rogue lawyer. He especially enjoyed constructing the artifice that his clients were innocent, at least until proven otherwise. He was under no illusion that most of them were guilty, usually of the most abhorrent crimes against women and children. Ethics were meaningless in this environment.

Reflecting upon his clients' criminality, Richard admitted he was intrigued by their genuinely shocked reactions when, occasionally, the jury had found them guilty. He had advised them that prison was a possibility, but they maintained their innocence even after the jury had delivered its verdict. It was almost as if they had come to believe Richard's trial strategy actually represented the truth. Disturbingly, when Richard's defence successfully delivered an acquittal, his clients conveniently forgot that 'not guilty' did not necessarily mean 'innocent.'

Three sharp door knocks interrupted his thoughts and halted the court room buzz. As the Judge returned to the bench, Richard's calm demeanour began to morph into panic. He felt powerless, unable to respond to his lawyer's request.

'Richard, you have to stand up,' whispered David brusquely.

He stood, but with difficulty. He had never before experienced the tremors needling his unsteady legs.

'For God's sake, man, get up' David repeated. Richard stood, locking his knees together, determined to ignore his overwhelming urge to urinate.

He faced Her Honour but, as if punch drunk, he could not fully comprehend her rebuke. He felt, rather than heard, the sting of the words 'greed', 'disgrace' and 'fraud' pelted at him. A bright red dot appeared in the centre of each of his pale cheeks. Richard was confused. How could she seriously consider his conduct to be a 'stain on the profession'? Clearly Her Honour had no idea about the extent of his scheme, nor of the number of approaches from interested lawyers he had rejected. Which legal profession was she speaking about?

As Richard internally debated the merits of the judgment, onlookers might have mistakenly thought he was embarrassed, perhaps, even repentant. They would have been wrong. He was not ashamed but he was angry, extremely angry, that he had been caught. He should never have invited his brother-in-law Robert to join the scheme.

He was also irritated the Judge was taking so long to sentence him. He grimaced and muttered to his shoes 'just cut to the chase.'

David kicked Richard's ankle sharply.

Finally, Her Honour paused. An artificial silence replaced the court room whispers.

'Richard Winston Williamson, I sentence you to 5 years imprisonment, to be served at.....' .

Richard heard a collective sharp intake of breath around him, sucking the oxygen from the room. While his legal team struggled to hide its dismay, the joy of the prosecution team was undisguised. It was the longest sentence the Supreme Court had ever imposed for a solicitor's criminality.

Richard should not have been surprised. He knew a lengthy jail term had always been a possibility and David had canvassed all his options. His mind, however, could not control his body. He became light headed and sweat beaded on his forehead. David tightly gripped his elbow. With difficulty, Richard swallowed the bile that collected in his mouth. He didn't want to faint or vomit in public. Too many would enjoy that spectacle.

Richard forced himself to look up at the gallery and immediately regretted it. He recognized many familiar faces - former clients, all of whom he had defrauded to differing degrees. Mr and Mrs Weston, the most elderly, stared at him coldly. They had lost their life savings and had no means to recoup them. Kevin and Matt, his long-standing partners, glared at him stonily. Others were ecstatic - Robert pumped his fist in the air.

Richard then cautiously looked towards his family - his wife Denise; his elderly father Ian; and his 21 year old law student daughter, Catriona. David had suggested they attend sentencing to support Richard, but Richard could see that they needed as much, if not more, support themselves.

Denise feigned dignity and held her trembling hands together. She grimly returned Richard's glance, twirling her thin, white-gold wedding band with difficulty. The sweat on her palms had made the ring stick. She couldn't wait to take it off when she got home. Months ago she had been nearly hysterical when he had been arrested and charged but now she was numb. Her carefully applied concealer could not disguise the dark shadows under her eyes or the stress lines creasing her face.

Ian offered Richard a small smile of encouragement, determined to support his wayward son, although his dismay was palpable. Tightly gripping his walking stick, Ian privately gave thanks that Richard's mother, Margaret, was not alive to see her son go to prison.

Ian put one frail arm around Catriona's shoulders. Her long brown hair had fallen forward, hiding her tears and the mascara trailing down her face. He gently nudged her to look up.

'Cat, your Dad -----.'

Catriona faced Richard but she could not pretend to smile at him; she was bitterly ashamed. How was she going to ever get a job in a law firm now? Richard had assured her he would not go to jail, that the publicity would be minimal and that he would move her admission in April. She was sick of his lies.

She was not yet ready to admit that, more than anything else, she was also grief-stricken at the loss of her father. Richard had been her childhood hero. That image had evaporated the moment he decided to plead guilty.

Richard smiled weakly at Catriona. He was not sorry he and Denise were divorcing, their marriage had effectively ended years ago, but he was desperate to maintain a relationship with his daughter. He motioned to her as the security guards cuffed him and led him away.

'Come see me soon, Cat, please..... .'

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'It's so good to see you' Richard said as he reached forward to hug Catriona.

Catriona shrank back and tried to hide her dismay. It was 12 months since she had last seen him, and she was concerned by how much he had changed. He had lost weight and his once tanned, healthy face was now pale, almost sickly grey. She wondered if he was taking his medication.

'It's good to see you too, Dad' she lied.

Richard attempted some banter but he avoided asking her about her graduation or her job in a small suburban firm. His former showmanship returned as he began telling Catriona about his future plans.

'I've been dying to tell you, he excitedly began, 'of course, it took some time for me to adjust to life in here, but it has its benefits' he added wryly.

'I've met lots of potential future clients and - don't laugh - I've been studying trust account obligations, the Legal Profession Uniform General Rules, so I don't go off track again. You won't believe it, I've even been listening to CPD lectures online. What do you think? Aren't you proud of your old man? I told you I'd be back!'

'Dad', Catriona interjected, 'I don't want to talk about that; in fact, I think you're missing the point. You have been banned from legal practice. I don't think it's realistic for you to plan to work as a lawyer ever again. Your time would be better spent concentrating on how you can repay the money you've stolen. I have a plan I want to discuss with you.'

Richard, aghast, sat back and examined his confident daughter. Clearly, she was no longer in awe of him. With some effort he suppressed his rising anger. He did not want to drive Catriona away.

'What are you talking about? I'm here in this bloody prison serving 5 years hell. Some get less time for murder you know.'

Catriona ignored his melodramatic rant.

'Dad, I know that you established a Trust Fund and I'm its sole beneficiary. The Fund is worth almost \$7 million. It can be used to repay the money you stole under your scheme. It won't fix everything, I know that, but it will go a long way towards repairing your clients' lives and restoring our family name.'

Catriona paused, allowing Richard time to absorb this information. Speaking more softly, she continued.

'Also, it will give me a future. When people ask me if I'm related to you, I can explain that yes, I am, but that I am - we all are - terribly sorry. To demonstrate that, we must repay them.'

Richard snapped, his face flushed, and he momentarily forgot that he was speaking to his daughter.

'That is my hard earned money. The Trust was created to protect my assets, our family's assets. Of course, I fully intend you to benefit from it eventually, but ..... '

Richard's voice trailed off as he noticed Catriona's face harden.

'I had hoped that with time in here you'd change, but clearly you haven't Dad.'

She laughed half-heartedly and went on.

'Of course, it's impossible to make up for all the pain you have inflicted, but I felt it was important to take some positive steps. Thankfully, I don't need your permission.'

'What do you mean? What have you done?' Richard asked, his voice trembling.

'Well, I'm an adult, of sound mind and the only beneficiary, so I can terminate the Trust and take control of the Fund. That is what I am doing. I have constructed a plan with my advisers to reimburse all your victims.'

'Oh Catriona', Richard groaned, 'my punishment is 5 years in here. Remember? Their civil suit didn't fly, so I don't owe anyone a cent.' He spat the words at her.

'Dad, you just don't get it do you? She was astonished by his lack of remorse. 'You still think its OK to abuse the system, win cases at any cost, but that's not what makes a lawyer today and its not the kind of lawyer I want to be. The rules are there for a reason.'

'What would you know about what makes a lawyer today?' Richard fired back. 'You've had your practicing certificate for 6 months!'

'You've taught me quite a lot though haven't you?' Catriona asked ruefully.

'I think it's pretty simple' she continued, 'be honest, act ethically and behave fairly - with our clients, our opponents and, above all, with the Court.'

'Stop thinking about yourself' she continued.

'Think about how privileged we are to be members of a profession that promotes justice and protects our clients' rights. We should act together for the collective benefit of our profession and our community. Your greed failed us all.'

Catriona stood to leave.

'Goodbye Dad. Forget Clarence Darrow. He doesn't represent what makes a lawyer in 2017 and neither do you.'

**THE END**