



America's one million lawyers are believed to cost society some \$300 billion yearly in unnecessary litigation. They control the government, the legislatures, the courts. By blocking changes in liability laws they are largely responsible for the enormous cost of defensive medicine. Econom-

ists claim they redistribute wealth rather than create it and have called them economic leeches. The public tends to lump them together with doctors as charging high fees, choosing expensive cars and elegant offices, and holding conventions in exotic places. Both professions have a respectable rate of depression and alcoholism. They also share a penchant for stardom. For who can fail to admire a famous doctor who has conquered a dread disease, or a skilful trial lawyer who won a case against overwhelming odds?

But here similarities end. Lawyers tend to be more literate and rarely put a comma wrong, many doctors would not recognise a relative clause if they saw one. Lawyers work less hurriedly, their cases often tran-

scending generations, but doctors can hardly sit back and wait for the appendix to rupture. Lawyers handle fewer cases, can devote more time to them, have many scribes and assistants, and are masters at documentation. Doctors see more patients, their "clerks" are really trainees, and they cannot realistically write down everything they do or think. Lawyers turned medical advisers always emphasise documentation as a way of avoiding malpractice suits. But medical practice does not lend itself to the same rigorous record keeping as that required by an intricate legal case.

Lawyers have fared better than doctors because they kept government out of their business. Doctors now suffer from governmental intrusion and its "hassle factor" because they depend on government for much of their fees. Most legal firms remain private fiefdoms, where the partners rule and periodically vote to decide which of their assistants may join the select ranks.

Some doctors go to law school and acquire a second degree, but are more likely subsequently to think and function as lawyers than as clinicians. Many lawyers, by contrast, practise medicine. Malpractice lawyers frequently display an astounding knowledge of medical terminology and would make excellent doctor impersonators. Judges, being lawyers in other clothing, also like to make

## Lawyers and doctors

medical decisions, especially who shall live and who shall die. If the surgeon fails to remove a putrid appendix the patient will probably die. If the judge makes a bad decision the mistake can be corrected in a higher court. Thus judges are allowed three tries, but doctors are sued for malpractice after the first mistake.

Lawyers in court never doubt which side they are on, and those who think their mission is to discover the truth are quickly disabused, as was the young lawyer in Trollope's *Orley Farm*. Doctors an expert witnesses often seem overly pedantic and fail to convince the jury, leaving the field to their more worldly lawyer adversaries.

Time seems to treat the two professions differently. "Give me old lawyers and young doctors," goes the saying. Lawyers escaping Alzheimer's disease improve with time as they remember more and more cases and precedents. Medicine changes quickly and it is hard to keep up to date, so that recent graduates may know more about new drugs than their eminent seniors. Doctoring is more demanding physically, especially for those taking night calls. Given a choice many retire early, but some have practised until well into their 80s and died on their feet. Many older doctors acquire a sixth sense in assessing their patients and are less inclined to go on wild goose chases than their younger colleagues. —GEORGE DUNEA, *attending physician, Cook County Hospital, Chicago, USA*