

CHAPTER 8

INTEGRITY: 'SANS PEUR ET SANS REPROCHE'

Integrity, probity or uprightness is a prized quality in almost every sphere of life, and nowhere more so than in the professions. The best assurance the client can have that he will meet with the qualities discussed in the previous chapters is the basic integrity of the professional consultant. The professional bodies therefore attach great importance to its presence and preservation in their members; and do not hesitate to say so. Thus the code of the Association of Consulting Engineers states flatly: 'a member shall discharge his duties with complete fidelity'. (1)

The professions exact a higher standard of integrity than is found in many other walks of life. W.J. Reader comments: "It is this sense of being obliged to observe exceptionally high standards which, more than anything else, gives some sense of unity to the professional classes as a whole, diverse though the occupations of their members may be." (2) Standards in this respect are probably higher than they have ever been and mark a considerable advance from the days when Sir Walter Scott thought the only qualities needed in his nephew if he were to become an accountant were to be "steady, cautious, fond of sedentary life and quiet pursuits, and at the same time proficient in arithmetic". (3) Today the slightest falling off in probity is looked at askance by fellow-members of the profession. They believe, with St. Luke, that he that is faithful in that which is least is faithful also in much, and he that is unjust in the least is unjust also in much. (4) Like the nobleman of the parable they would say "because thou hast been faithful in a very little, have thou authority over ten cities". The true professional man asks nothing better for his epitaph than that of the eighteenth-century clock-maker: "Integrity was the mainspring and prudence the regulator of all the actions of his life." Unblemished Reputation

Since inward character can only be deduced from outward signs, a spotless reputation, "the purest treasure mortal times afford", is essential to a professional man. In words of advice to a young solicitor,

108 INTEGRITY:

'SANS PEUR ET SANS REPROCHE' 109 Sir Thomas Lund says that only the very highest conduct is consistent with membership of the profession and that his reputation is the greatest asset a solicitor can have. "When you damage your reputation you damage the reputation of the whole body of this very ancient and honourable profession of ours." (5) W.J. Reader, writing about the rise of the professional classes in the nineteenth century, points out that the new professional man brought one scale of values — the gentleman's — to bear upon another — the tradesman's — and produced "a specialised variety of business morality which came to be known as professional ethics". He adds that any professional man must cultivate and deserve a reputation for probity. "He must cultivate it even more zealously than the ordinary businessman, who deals with other businessmen who know what to expect." (6)

These sentiments may appear high-flown, and are often expressed in grandiose language. Notions of honour, even of self-respect, are becoming unfashionable. For those who follow fashion the importance of a good reputation does not depend on these things — it is grounded in self-interest, since a professional practice will not long endure if clients learn that the practitioner cannot be trusted.

A reputation for integrity is an indivisible whole; it can therefore be lost by actions having little or nothing to do with the profession. This was the case with one Dunch, the first man to be suspended from membership of the Surveyors' Institution (now the R.I.C.S.). The incident arose in connection with the purchase by the Metropolitan Board of Works of property needed for the site of what is now Shaftesbury Avenue. This was

begun in 1878 and the Board official concerned was the notorious F.W. Goddard, around whom many tales of corruption circulated. The property included the Pavilion Music Hall which, until the site was needed, was let to one Villiers on stringent conditions which it was Goddard's duty to enforce. Dunch, who was a mutual friend, persuaded Villiers that he ought to accede to a demand from Goddard to be paid £50 a quarter for himself in order to smooth the way over compliance with the conditions. Dunch acted as bearer of this quarterly payment and was censured by the Royal Commission set up to examine the Goddard scandal. They commented that if he had, as it was his duty to do, communicated to the Board Goddard's request for payment, the confidence which the Board reposed in that official would have been at an end, and it would no longer have been possible for him to betray the interests of his employers for his own advantage. (6A)

The insistence by a profession that its members shall be without reproach raises difficult questions where a member commits some mis- demeanor or indiscretion outside the professional field. Conviction of

110

PROFESSIONAL ETHICS serious crime will usually lead to expulsion from the profession, but where should the line be drawn? If the offence demonstrates unfitness to carry out a necessary function of the profession the position is clear. A land agent, used to holding rents from his clients' estates, can hardly be trusted again in his profession after detection in the embezzlement of funds held in some other capacity, such as church treasurer or slate club secretary. A doctor, in duty bound to succour the injured, casts doubt on his seriousness of purpose if found guilty of some vicious and unwarranted assault. A solicitor, whose duties often include the produc- tion of documentary evidence to the court, can hardly survive a con- viction of forging a motor-car log book to his own advantage. But suppose the conviction establishes moral turpitude of a kind not likely to arise in the course of professional practice? A recent illustration was the case of Dr John Petro, convicted of stealing a gold cigarette lighter left by a woman on a counter at Seifridges. The judge called it a "singularly mean theft" and a dirty trick, "especially for a professional man". The General Medical Council were not called on to decide the professional consequences, however, since a short time previously Petro had been struck off the register for failing to keep a drugs list. (7)

A conviction for dishonesty of any kind will usually be fatal — even if it is for travelling without a ticket on the Underground. "He that is faithful in that which is least . . ." Difficult problems arise however where a conviction relates to something further removed from the professional sphere. In a celebrated libel case Mr Justice Macnaghten remarked: "It cannot be said that chastity is a necessary qualification for the management or ownership of a garage". (8) The same might be said of the practice of a solicitor or accountant, though probably not that of a doctor. The test is whether knowledge of the offence is likely to impair the clients' trust in the offender as a professional consultant. Many so-called crimes today involve no moral turpitude, at least in the eyes of the ordinary citizen.

Difficulty can also be felt in determining whether a fall from grace should be considered permanent or of limited duration only. Again this must depend on the seriousness of the offence and its closeness to the sphere of professional activity. A solicitor who embezzles trust funds will never be given another chance to do so; if he has cheated the rail- way his offence may be deemed to be purged in time.

One test laid down by a famous judge asked to decide whether a con- viction should result in professional disqualification was "ought any respectable solicitor to be called upon to enter into that intimate inter- course with such a solicitor (i.e., one who has been convicted) which is necessary between two solicitors even though they are acting for INTEGRITY:

'SANS PEUR ET SANS REPROCHE' 111 opposite parties? In my opinion if the offence is personally disgraceful he ought not to remain on the Roll." (9) Thus conviction for indecent assault, acts of gross indecency or persistent importuning for an immoral purpose will normally involve a finding of professional misconduct, at least in the case of solicitors. (10) Dentists have been struck off the register for such offences as drunkenness, indecency, bigamy, incest, embezzlement, fraud and receiving stolen property. (11)

If an applicant to enter a profession has already forfeited his reputation by incurring a conviction of a criminal offence, or in some other way, it follows that his application should be rejected. The converse is equally true, and Lund refers to the “oft-quoted proposition” that any conduct by a solicitor which would, if committed before he was a solicitor, have been sufficient to prevent him from being admitted, will be sufficient to warrant his being struck off the Roll or suspended. (12) Membership of a leading professional body is generally treated as an indication of good character in itself, and it therefore follows that investigations as to character ought to be, and usually are, made before admission is granted. Thus a person enrolling as a student with the Law Society has to provide three references as to his character, which are invariably taken up. The referee is asked, among other things, whether the candidate has at all times shown himself to be honest and trustworthy. The Inns of Court require two character references before admission of students. The medical profession relies on the teaching bodies not to grant qualifications to students who are not of good character. Strangely, the architects make no enquiry as to character from their students. Professions based on the system of articles, such as the chartered accountants and chartered surveyors, rely mainly on the articulated clerk’s principal to satisfy himself as to character. Offences committed during the period of articles are dealt with as they would be if committed by a full member. In serious cases articles may be cancelled.

In the case of solicitors the professional body not only considers the character of principals and articulated clerks, but of ordinary staff as well. The Law Society has statutory power to prohibit the employment of any person who has been guilty of dishonesty or any other relevant offence. (13)

Integrity has many aspects and may be displayed (or not) in a wide variety of situations. We have examined some of these in earlier chapters; the preservation of confidences, the display of impartiality, the taking of full responsibility are all aspects of integrity. So is the question of competence. Few can hope to be fully proficient in all branches of their profession. Integrity demands that advice be given only where competence exists, and that competence be maintained within the

112

PROFESSIONAL ETHICS chosen field of practice. Integrity is the fundamental quality, whose absence vitiates all others. In what follows we deal with other important attributes of integrity. Fairness

It is obvious that the professional man must treat his client fairly, and little needs to be said about this. The true professional takes pride in doing a good job without unnecessary delay; in other words he gives value for money. He does not mislead his client about the progress of the case or any other aspect of it; it has been held to be misconduct for a solicitor to tell his client that he was carrying out his instructions when in fact this was not so. The rule applies whether or not accompanied by circumstances of fraud, such as seeking to obtain from the client payment on account of costs of proceedings which have not in fact commenced. (14)

The consultant should always make full disclosure of the facts to his client, except where they are unimportant. It is indefensible to conceal vital information, even on the well-meaning ground that the client might be worried by it. This is a rule often broken by the medical profession — with of course the best motives. Every individual has the right to be told basic facts about his own health — particularly where disease threatens his life. As the senior surgical registrar of a London hospital pointed out, most members of the medical profession would wish for the truth when their own time came. “Why therefore should our patients be denied the same right?” He added that in hospital practice “too many are not told who ought to be . . . the deception this involves, though perhaps well-meaning, is not in the true interests of our patients as human beings”. (14A)

There is a story of a hospital patient — called let us say John Smith — who could get little information about his case from the hospital staff. He asked for the bedside telephone provided by Friends of Hospitals and, after dialling the hospital number, asked to be put through to the ward he was in. He then asked the ward sister: “How is Mr John Smith today? How did his operation go, and are there any complications?” He was given full information, and then the sister asked: “Are you a relative?”. “No,” came the answer, “I am Mr John Smith.” Whether true or not, this illustrates a grievance felt by many patients — the disinclination of

the medical profession to tell them the full facts about their case: The practice rebounds upon itself, because many worry lest the truth of some dire (but non-existent) disease is being kept from them. Playing fair with the client always involves resisting the temptation to give him advice which he wants to hear, rather than sound but INTEGRITY:

‘SANS PEUR ET SANS REPROCHE’ 113 unpalatable guidance.

A professional man must not take improper advantage of the youth, inexperience, want of education, lack of knowledge or unbusinesslike habits of a client. Thus a solicitor who exploited the inexperience of a client by inducing him to pay a sum in advance of costs which was far larger than the costs were likely to amount to was disciplined. (15)

If presents are accepted from clients they should not be allowed to influence the quality of services bestowed. Reginald Hine, in his *Confessions of an Uncommon Attorney*, describes a picture hanging in his firm’s office called “A lawyer’s Office in 1515” by Peter Breughel. “It portrays a group of country clients rewarding their family solicitor with the fattest of capons, the ripest of grapes, and score upon score of eggs, whereas the client who ventured in empty-handed is left standing, and likely to stand, by the door.” (16) We think differently today.

Fairness does not stop with the client. While the interests of the client should be served, this must not be done at the price of unfairness to others. This is only another way of saying that the interests of the client must not be pursued beyond a legitimate stage. Nothing must be done which would harm the reputation of the profession or transgress the moral code. Thus the Declaration of Geneva requires medical practitioners to promise: “I will maintain the utmost respect for human life from the time of conception; even under threat, I will not use my medical knowledge contrary to the laws of humanity.” (17) The public interest must be served, and this involves that barristers and solicitors, who are officers of the court, must not deceive the court. An advocate may not assert that which he knows to be a lie, or forward a fraud. On matters of law he is under a duty to draw the attention of the court to points of law which might otherwise be overlooked, even if they are to the disadvantage of his client .

A duty to the public is in danger of being broken whenever a professional man extols his client’s case in extravagant terms. An obvious example is the estate agent who describes a property for sale in terms which even the owner himself might find excessive. This may lead members of the public to undertake fruitless journeys to inspect properties which, if they knew the truth, they would not trouble to visit. The danger of over-enthusiasm at the expense of the public is lessened by the system of private practice, where no one client’s interests are of predominating importance to the practitioner. A professional person who is in the service of one employer only may be under greater pressure to advance his employer’s interests beyond what is legitimate. A planning officer in the employ of a local authority has been known to justify decisions of his planning committee on grounds other than the right ones.

114

PROFESSIONAL ETHICS For example, where the councillors refused permission for redevelopment of the site of an old building because one of their number was sentimentally attached to it, the planning officer explained the decision as having been taken on “general planning grounds”.

Other parties to a transaction or dispute have a right to fair treatment. A small minority of solicitors offend in this respect, through excess of zeal for their client’s cause or an unworthy desire to prolong a litigious dispute. Reginald Hine refers to “the niggling, cantankerous, litigious, lesser breed of solicitors who gain a catchpenny or catch-six-and-eight-penny reputation for smartness but do our profession no good”. He goes on: “Alas, from time immemorial, we have been plagued with these rabbling and tumultuous lawyers who specialise in the chicane or wrangling or captious part of the law. With such men it is impossible to pursue gentle arts of compromise. Their breast-pockets are stuffed with writs. Their dictated letters are dictatorial, each sentence barbed with a threat.” (18)

A striking instance of a duty of fairness owed to parties to a transaction other than the client applies in the case of architects and quantity surveyors. Although retained and paid by the site owner they are enjoined to preserve impartiality and fairness towards the building contractor. Principle IV of the Architects Registration Council code states: "An architect must at all times apply the conditions of a contract with entire fairness between employer and contractor. In all questions arising between the employer and contractor and in all cases in which an architect is acting between parties, he must act in an impartial manner." The fact that the architect is being paid by his client must not be allowed to influence his responsibility for the proper fulfilment of the contract between the parties. (19) Thus although in many respects the agent of the building owner he must assume a quasi-judicial role in interpreting the building contract, and this is reflected in the terms of the R.I.B.A. forms of building contract. Similar rules are applied to quantity surveyors by the R.I.C.S.

Since he owes these duties to other persons, to his profession and to the public at large, it is clear that the professional man should not consent to act for a client whose ends are dishonest or otherwise improper. Lord Esher, when Master of the Rolls, once said that if a solicitor were instructed to take proceedings which could legally be taken but which he knew would injure the other party unnecessarily, and were only sought by his client in order to gratify his own anger or his malice, it would be "unfair and wrong" if the solicitor took the proceedings. (20) Even less should a client be assisted in illegal activities. A professional man ought not to give a reference for a client whom he knows to be dishonest. As INTEGRITY:

'SANS PEUR ET SANS REPROCHE' 115 Sir Thomas Lund says, "you should never do, or agree to do, anything dishonest or dishonourable, even in a client's interests or even under pressure from your best and most valuable client; you had better lose him." (21)

While these principles are tolerably clear, their application in practice may cause difficulty. Some arts legitimately practised by professional people necessarily involve concealment of facts, and the laying of red herrings. Of nothing is this more true than of a central feature of several professions: the art of negotiation. This is a difficult practice, and distasteful to many laymen. It is therefore frequently left to professional representatives, be they solicitors, accountants, valuers, architects or estate agents. An element of bluff is inseparable from negotiation, and therefore cannot be condemned. How far is it legitimate to go? Norman J. Hodgkinson, an experienced chartered surveyor, gives as examples of legitimate prevarication in negotiation the following: to say "I feel sure my client would not be willing to sell at that price" when the price is one you actually feel sure your client would accept, and to say "I could not possibly advise my client to sell at that figure" when you have, in fact, already done so. (22) In another place Hodgkinson gives his approval to what many might feel is a less excusable deception. In describing the technique of the auctioneer he discusses fictitious bids. These are actual bids put in on behalf of the vendor "although the auctioneer may try to give the impression that the bids he puts in are actually made by other bidders". He goes on: "Every auctioneer has his own ways of taking fictitious bids. For example, he may pretend to take the bid from someone behind the actual bidder, or if the genuine bidder is at the back of the room the fictitious bid may appear to be taken from the front seat. Again, an auctioneer who has no bidder at all may start the bidding by saying: 'That is my bid to start proceedings', and then, having looked round for a bid and failed to get one, he may take a fictitious bid, saying: 'Thank you', and ostentatiously write the bid down on the particulars of sale, thus hoping to emphasise the impression that here at last is a genuine bidder. Again, the auctioneer may start a sentence, break off to take a fictitious bid, and then complete the sentence. This is a good plan if not used too often." (23)

Perhaps the last word should rest with Lord Esher, who said that how far a solicitor might go on behalf of his client was a question far too difficult to be capable of abstract definition, but when concrete cases arose, everyone could see for himself whether what had been done

A professional man may know what he ought to do, and wish to do it. This is useless if he lacks courage in the face of opposition and allows himself to be browbeaten into yielding his client's position. According to the best traditions of the Bar, a barrister should, while acting with all due courtesy to the tribunal before which he is appearing, fearlessly uphold the interests of his client without regard to any unpleasant consequences either to himself or to any other person. (25) There are many stories illustrating the fearlessness of advocates in defence of their clients.

The American defender, William Henry Seward, became very unpopular locally when he undertook the defence of the negro Freeman on a murder charge. Feeling ran high against Freeman, and he had been narrowly rescued from lynching. Seward stuck to his task, and maintained that no state was civilised which did not guarantee a fair trial and an adequate defence to every accused person. He expressed the hope that after his own death someone might put on his grave the words "He was faithful". This was in fact done. (26)

In lighter vein, two stories concerning F.E. Smith (later Lord Birkenhead) also illustrate the courage of the advocate. In his early days at the Bar "F.E." was appearing in a county court on behalf of an insurance company fighting a workman's compensation claim. The plaintiff was a little boy who was alleged to have lost his sight as a result of an accident. The judge was visibly affected by the sight of the child and, greatly to the annoyance of "F.E.", kept murmuring "Poor boy! Poor boy!", finally saying to the usher "Put the poor boy over there. Put him where the jury can see him."

"Perhaps", said "F.E." suavely, "your Honour would like to have him passed round the jury box?"

"That is a most improper observation, Mr Smith", said the judge angrily.

"It was prompted by most improper observations from the bench" replied counsel.

The other case also concerned a county court judge, who was a worthy but somewhat dull and ineffective personality. He tried a number of times to restrain the exuberance of "F.E." but the advocate took no notice of his rebukes. Finally the judge asked irritably "Mr Smith, why am I here?" The future Lord Chancellor replied politely: "It is not for me, your honour, to attempt to fathom the inscrutable ways of Providence".

INTEGRITY:

'SANS PEUR ET SANS REPROCHIE' 117

The Judge: "Mr Smith, you are very offensive."

Mr Smith: "As a matter of fact we both are. The only difference between us is that I am trying to be and you can't help it. I have been listened to with respect by the highest tribunals in the land and I have not come down here to be browbeaten."

While courage needs to be displayed in defence of a client's interests, it may occasionally be needed to stand up to the client himself. The Bar Council point out that "the customer is not always right" and that the professional man has a duty on occasions to deny to the client what he wants, or thinks he wants. (27)

A professional man called on to certify that the client has behaved correctly for example has kept a proper set of accounts — may well be under pressure from the client. He should of course resist such pressure, if he believes it to be improper, and where necessary should accept the loss of his appointment rather than yield. It is an important professional principle that where an appointment is lost in such circumstances a professional successor should not take up the appointment without careful investigation. The Institute of Chartered Accountants lays down detailed rules for this. An incoming auditor must communicate with his predecessor and find out the full reasons for the change. The appointment ought not to be accepted if this investigation discloses that the predecessor is being displaced "because he has stood his ground and carried out his duties as auditor in the teeth of opposition or evasion on an occasion on which important differences of principle or practice have risen between him and the directors". (28)

A similar situation may arise where an actuary is appointed to make a statutory valuation. In such a case the actuary must take an impartial standpoint between the directors of the insurance company and its policy holders, and must be free to criticise the conduct and procedure of the directors.

Acute problems may well arise in any profession where a member of the profession is in employment and there is a conflict between the employer's wishes and the rule of the profession. Here it is important, but often very difficult, for the professional man to resist the employer's demands and maintain the standards of the profession. In all cases of conflict, at least where public bodies are concerned, the professional institutions can play an important role in supporting their members against improper demands. They are usually very ready to do so. Thus the President of the Institute of Actuaries has said that "in any difficulties which might face actuaries in the conduct of their business . . . in resisting any undue pressure which might be brought to bear upon them, they would be assured of the support of the Institute". (29) 118

PROFESSIONAL ETHICS Nest-Feathering

It is repugnant to the professional code for a practitioner to profit from dealings with a client otherwise than by the receipt of the normal professional fee. The consultant must not, in the guise of an impartial adviser, feather his own nest. Abuse of the professional relationship can take many forms, not all relating to material advantage; and standards are continually rising. As Sir Thomas Lund points out, what is entirely proper for one generation may be slightly irregular for the succeeding generation and highly improper for the next. A generation ago there was nothing improper in keeping clients' money in one's own bank account and making free use of it — even drawing interest. Nowadays many professions would regard this as improper. (30)

The most serious ways, apart from downright fraud, of making a financial profit from a client or his affairs are: taking bribes or "sweeteners", dealing in clients' property, borrowing from clients, persuading clients to make gifts or legacies, and exploiting trade secrets and similar information.

Hodgkinson gives the correct attitude to bribery in recounting how, as auctioneer of a landed estate, he was approached by a prospective bidder, a speculator, who asked: "What would you want out of it if I buy? Would £500 meet the case?" When the auctioneer explained to him that he was acting for the vendor, and could not possibly take anything from the purchaser, the speculator expressed surprise, saying: "I thought all you people were prepared to accept a sweetener in order to get a sale through." (31) Unless it is common practice for them to do so, professional practitioners should not receive payments from third parties; in this way suspicion of abuse is avoided. Thus the architects' code prohibits the insertion of any clause in tenders, bills of quantities or other documents which provides for payments to be made to the architect by the contractor unless with the full knowledge and approval of the employer. (32) The engineers have a similar rule. (33) (See also page 93).

A clear abuse arises where a professional person is entrusted with the sale of his client's property and, unknown to the client, sells it at an undervalue to another person with whom the consultant is connected. A solicitor was found guilty of professional misconduct when, in the course of administering an estate, he sold part of it to his own daughter at a price less than the full value without either disclosing the connection between the purchaser and himself or advising his client to be separately represented in that transaction. (34) In another case a solicitor was found guilty of professional misconduct even though there was no direct evidence that the price received was not a fair market price. Here the solicitor was concerned in a number of sales of real **INTEGRITY**:

'SANS PEUR ET SANS REPROCHE' 119 property on behalf of both vendor and purchaser. In each case the purchaser was an associate or nominee of the solicitor and in each case the property was speedily resold at a profit which the solicitor and his associate shared equally. (35) Estate agents are frequently placed in a position of temptation in this respect, and do not always resist the opportunity for private profit (see page 83).

While professional people are encouraged to maintain a friendly relationship with their clients they should not carry friendship to an extent which is excessive, even though it might be considered reasonable in other

relationships. Thus solicitors are discouraged from borrowing money from their clients. If they do so they must ensure that there is sufficient security, and where there is even the slightest doubt of this they should insist on the client being separately represented in the transaction. Cases held to amount to professional misconduct include one where a solicitor who claimed to be a spiritualist advised a client to dispose of his life interest in certain settled property and place the proceeds in the solicitor's hands, contrary to the client's interest. (36) Many abuses have arisen where elderly and feeble clients have been induced by their solicitors to leave them substantial legacies. These have led the Council of the Law Society to lay down rules aimed to secure that where the legacy is more than trifling the testator should be independently advised.

A particularly reprehensible practice is for a professional consultant to use knowledge gained in the course of his relationship with his client to enter the client's own field of operations, perhaps even in rivalry with him. In one case a chartered accountant, in the course of his professional duties, acquired information about a specialist manufacturing process and subsequently used this information to set up a business which competed with the former client. Similarly objectionable is use of "inside information" to buy or sell shares of client companies for personal profit. (37) Some professions discourage any activity by their members which could cause them to be tempted to make use of information gained from clients. Thus patent agents are discouraged from taking out a patent on their own account. If the idea for the patent derived from a client the property in the idea should be regarded as belonging to the client. If on the other hand it occurs to the patent agent independently he is recommended to communicate it to a learned society or technical journal. (38) Similar considerations apply to land development and speculation by estate agents on their own account (see page 83).

Where the professional relationship involves bodily contact and examination, as in the case of doctors, sexual intimacies are held to constitute misconduct. The Judicial Committee of the Privy Council recently

120

PROFESSIONAL ETHICS pointed out that a doctor gains entry to the home in the trust that he will take care of the physical and mental health of the family. He must not abuse his professional position so as, by act or word, to impair in the least the confidence and security which should subsist between husband and wife. His association with the wife becomes improper when by look, touch, or gesture he shows undue affection for her or does anything else to show that he thinks more of her than he should. The Judicial Committee dismissed the suggestion that a doctor might be in a different position when he became a family friend, in other words that his conduct on social occasions was to be regarded differently from his conduct on professional occasions: "This looks very like a suggestion that he might do in the drawing-room that which he might not do in the surgery. No such distinction can be permitted. A medical man who gains the entry into the family confidence by reason of his professional position must maintain the same high standard when he becomes a family friend." (39) The rule ceases to apply once the professional relationship has ended.

These rules all reflect the need for trust. In the words of the great physician Galen, "he cures most in whom most have faith."