

Article Summaries

Innovative Therapy and the Law: the novel issues raised by the case of Charlie Gard

Jo Bridgeman

The application by Great Ormond Street Hospital to court in respect of the future medical treatment of Charlie Gard was novel in that the Trust sought not only a declaration that it was lawful and in Charlie's best interests to withdraw ventilation but further that it was not in Charlie's best interests to be administered with an innovative therapy which had the effect of preventing a doctor in another hospital from administering it to him. It is not uncommon for parents to seek for novel, innovative, pioneering, experimental or innovative treatment to be given to a seriously ill child although, to date, there have been few cases on this issue before the courts. Whilst parents are given a large degree of freedom to raise their children as they consider appropriate, limits have to be imposed upon the treatments to which parents can demand their children are subjected. All courts, from the Family Division of the High Court through the domestic appeal courts to the European Court of Human Rights and back to the Family Division of the High Court, affirmed the application of the best interests principle in such cases. In this article it is argued that the law should set those limits not merely according to the best interests of the individual child but also by whether the therapy is supported by a reasonable and competent body of professional opinion and in accordance with good medical practice.

Lawyers' professional ethics: where are the ethics?

Barbara Mescher

The professions have a social contract with society built upon trust, expertise, and ethical conduct and their legitimacy depends upon this. Lawyers' professional ethics: the standard conception of legal ethics, is underpinned by positivist philosophy. This is a narrow client-centric model that encourages lawyers to meet client demands, even if ethically questionable. Lawyers could then be in breach of their obligations of independence and integrity. This is a risk for corporate lawyers whose clients are major companies. Legal ethics has influential critics, the moral theorists, who have a moral conception. The legal profession and the lawyer to client relationship are challenged by the present model of lawyers' professional ethics.