

work, and (3) the way in which lawyers practice their profession.

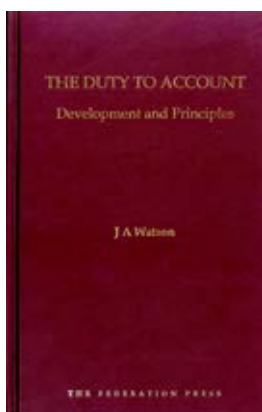
Undoubtedly, Mr Gray's 2014 article is a useful primer on the subject of digital security, and at the time was truly groundbreaking.

His self-published book *The Pillars of Digital Security* is a revision of the 2014 article. Despite the subtitle 'How to ethically use technology in legal practice' the book remains a treatise on how to maintain security and confidentiality in the age of electronic legal practice. It does not, for example, explore wider ethical issues of technology in legal practice, such as the appropriate use of a party's social media presence, or the use of technology in presenting re-enactments in court.

Compared to Mr Gray's 2014 article (freely available on the internet) this book really does little more than update references to iOS 7 and 8 to iOS 10.3 (now superseded), and provides some minor additional discussion about security protocols and the dangers of network communications. At USD99.95 (Amazon), this book may be useful for those who consider themselves to be more or less technologically illiterate. For everyone else, the original article and a Google search should suffice.

The Duty to Account: Development and Principles

By J A Watson



To a common lawyer taught property and equity at the University of NSW, *The Duty to Account* is at times a challenging read. Having sorted one's sorage from one's scutage, however, Watson's text is an enjoyable discussion of the nature and (long) history of account.

By reviewing the feudal system of landholding, Watson demonstrates that the legal obligation to account for property being held

'to the use of' another substantially predates the *Statute of Uses* and the origins of the modern day trust. It argues that a liability to account will arise whenever a person receives property which they are not allowed freely to use, a liability that is independent of liability in contract, tort, unjust enrichment, trusts or other fiduciary obligation. Eschewing this traditional taxonomy of the law of obligations, Watson divides his treatment of the duty to account into chapters dealing with accounting parties at law, and accounting parties in equity, and within each chapter describes a wide variety of relationships and transactions in which one party may be liable to account to another.

One consequence of Watson's thesis is that it is wrong to ask whether an account of profits is available as a remedy for, say, a tort or a breach of contract. Instead, according to Watson, the correct approach is to ask whether the circumstances that amount to a tort or a breach of contract are also circumstances in which there is an obligation to account. Such re-calibrated analysis provides a coherent explanation for the outcome of otherwise conceptually-awkward cases. Having said that, Watson recognises that his thesis does not explain all of the circumstances in which an obligation to account may arise. His endeavour is much more modest than that of the 'restitution industry'.

Watson's book is the classic 'jack of all trades, master of none'. It is a very interesting historical exploration of the duty to account, but it is by no means a work of legal history (nor, in fairness, does it purport to be). While it provides an intellectually stimulating explanation of the doctrine of account, its utility in day-to-day practice may be limited. It does, however, supply fertile ground for the forensically adventurous seeking to justify an account in circumstances where the prior caselaw would disallow it.