

## *An Ethical Challenge*

### **No Good Deed Goes Unpunished: Liability in Pro Bono Work**

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#### **The Mitzvah of Working Pro Bono- Charity or Kindness?**

##### **1. <https://www.cpaontario.ca/cpa-members/communities/volunteers>**

#### **WHY VOLUNTEER?**

We offer members meaningful volunteer opportunities to match their interests and skill sets at every stage of the CPA journey. Volunteering is both a chance to do valuable work and an excellent opportunity to network with your fellow members and students.

##### **2. Talmud, Sukkah 49b (Davidson Edition Translation)**

תנו רבנן: בשלשה דברים גדולה גמילות חסדים יותר מן הצדקה: (1) צדקה - בממונו, גמילות חסדים - בין בגופו בין בממונו (2) צדקה - לעניים, גמילות חסדים - בין לעניים בין לעשירים. (3) צדקה - לחיים, גמילות חסדים - בין לחיים בין למתים.

The Sages taught that acts of kindness are superior to charity in three respects: 1) Charity can be performed only with one's money, while acts of kindness can be performed both with his person and with his money. 2) Charity is given to the poor, while acts of kindness are performed both for the poor and for the rich. 3) Charity is given to the living, while acts of kindness are performed both for the living and for the dead.

##### **3. Rabbi Yehoshua Leib Diskin (19<sup>th</sup> century Poland), Responsa 23**

שבתי וראיתי זהו עיקר מצות צדקה לתת לו מתנה וזהו גם כן בכלל מתנה על כל פנים...ומ"ש נותן לו הפך או שאר ענין טוב ששוכר לו עבד לרוץ לפניו והכל כלל צדקה.

I returned and saw that the main idea of charity is to give him a present and this is a type of present either way. For what is the difference between giving him an object or another good thing [such as] renting him a servant to run in front of him? It's all included in charity.

#### **Is a voluntary worker an "employee"?**

##### **4. CPA Chartered Professional Accountants Ontario Advisory Services New CPA Code: Changes from the Perspective of a Member Employed Outside of Public Accounting**

<https://media.cpaontario.ca/stewardship-of-the-profession/pdfs/1011page21368.pdf>

The definition for "employer" is new and covers activities, even volunteer ones, where there is some **reliance** on membership. "Employer" is defined as: "An individual or organization that (a) enters into an arrangement, whether in relation to a contract or other de facto employment relationship, with a member for the provision of professional services by a member, or (b) obtains professional services from a member other than a firm, **whether** the services are provided **with or without remuneration**, and "employee", "employ", and "employment" and any other related words have corresponding meanings.

- The definition of "professional services", which was previously in the CI for Rule 202 Integrity and Objectivity, has been modified to clarify the inclusion of **volunteer services**. A professional is now defined as: "a service or activity of a member or firm, **whether undertaken for remuneration or not**, where the public or a professional colleague is entitled to rely on registration with CPA Ontario as giving the member particular competence and requiring due care, integrity and an objective state of mind. For greater certainty, in this context, the public includes, but is not limited to clients, employers and not-for-profit or other organizations.

##### **5. Rabbi Joseph Caro (16<sup>th</sup> century Israel), Code of Jewish Law, Choshen Mishpat 333:5, tr. From Sefaria**

בד"א בדבר שאינו אבוד אבל בדבר האבוד כגון פשתן להעלות מהמשרה או ששכר חמור להביא חלילין למת או לכלה וכיוצא בהם אחד פועל ואחד קבלן אינו יכול לחזור בו...הגה פועל שעושה בהנמ עם בעל הבית יכול לחזור אפי' בדבר האבוד (מהרי"ק שורש קל"ג)

When does the above apply? With regard to work that does not involve an immediate loss. If, however, the work involves an immediate loss - e.g., he hired the workers to remove flax from the vat, or he hired a donkey to bring flutes for a funeral or for a wedding or the like - neither a worker nor a contractor may retract. (**A volunteer can back out, even if it causes 'immediate loss'.**)

## 6. Rabbi Shabtai HaKohen (16<sup>th</sup> century Poland), Choshen Mishpat 333:31

אבל פשיטא דאם זה רוצה ליתן לו שכר ואינו רוצה לעשות עוד אפי' בשכר והוא דבר האבוד כגון שהיו מתחלה פועלים אחרים ועתה אין כאן פועלים צריך לשלם לו כל הזיקו מדינא דגרמי ודו"ק:

But it's obvious that if [the employer] wants to pay him and [the employee] doesn't want to work anymore even for pay and it's a matter of loss, such as if there were originally other workers now there aren't any available, he needs to pay him for all of his damages based on the law of causative damages.

## Liability for Negligent Tax Advice in Canadian Law

### 7. Peter Weissman and David Wagner, When are Accountants Liable for Providing Negligent Tax and Estate Planning Advice?

<https://www.wagnersidlofsky.com/wordpress/wp-content/uploads/Tab-5-P-Weissman-D.-Wagner-When-are-Accountants-Liable.pdf>

#### Establishing Duty of Care

The first step in considering whether tax advisors will be liable for providing negligent advice is determining the existence of, and defining, **the duty of care** owed to a client. The Supreme Court of Canada established the following two-part test for whether a duty of care exists in negligence, known as the Anns/Kamloops test. (1) [I]s there a sufficiently close relationship between the parties...so that, in the reasonable contemplation of the alleged wrongdoer, carelessness on its part might **cause** damage to that person? If so, (2) are there any considerations which ought to negate or limit (a) the scope of the duty and (b) the class of person to whom it is owed or (c) the damages to which a breach of it might give rise?...

#### Reliance on Professionals

Where someone purports: to possess a special skill and s/he undertakes, **irrespective of contract or remuneration**, to apply that skill for the assistance of another person **who relies** on it, the first step of the Anns/Kamloops test will generally be satisfied and a duty of care will arise. The duty of care arises when a person giving advice knew, or ought to have known, that the person receiving the advice would act upon it believing the advice to be accurate. The duty lies both in contract and in tort. Chartered Professional Accountants of Ontario concurs that its members have this duty of care **whether or not they are remunerated for their services**.

#### Factors which mitigate Liability

Under the second step of the Anns/Kamloops test, the question to be asked is whether there are broad policy considerations that would make the imposition of a duty of care unwise. This stage of the analysis is about the effect of recognizing a duty of care on other legal obligations, the legal system, and society more generally.

In the context of a client asserting that his/her former tax advisors provided negligent advice, the case law has considered some of the following policy considerations:

(a) the imposition of indeterminate liability, (b) whether liability should be imposed where the tax advice given includes a disclaimer and non-reliance clauses - (c) whether finding liability in respect of opinion letters could have the effect of restricting the public's access to such opinions. If a duty of care is found in such cases, tax advisors would generally feel compelled to provide much more extensive and detailed opinions that address issues, considerations and risks not material to the specific issues they are being asked to opine on. This would generally increase costs of providing such opinions and further restrict access to these types of opinion letters.

## Liability for Professional Mistakes in Talmudic Law

### 8. Talmud, Bava Kamma 99b-100a (Davidson Edition Translation)

איתמר: המראה דינר לשולחני ונמצא רע, תני חדא: אומן - פטור, הדייט - חייב, ותניא אידך: בין אומן בין הדייט - חייב! אמר רב פפא: **כי תניא אומן פטור** - כגון דנכו ואיסור, **דלא צריכי למיגמר כלל**. אלא במאי טעו? טעו בסיכתא חדתא, דההיא שעתא דנפק מתותי סיכתא.

ההיא איתתא דאחזיא דינרא לרבי חייא, אמר לה: מעליא הוא. למחר אתאי לקמיה ואמרה ליה: אחזיתיה ואמרו לי בישא הוא, ולא קא נפיק לי, אמר ליה לרב: זיל חלפיה ניהלה, וכתוב אפנקסי דין עסק ביש. ומאי שנא דנכו ואיסור דפטירי? **משום דלא צריכי למיגמר**, רבי חייא נמי לאו למיגמר קא בעי! רבי חייא לפנים משורת הדין הוא דעבד ...

ריש לקיש אחוי ליה דינרא לרבי אלעזר, אמר: מעליא הוא, אמר ליה: **חזי דעלך קא סמכינא**. א"ל: כי סמכת עלי מאי למימרא? דאי משתכח בישא בעינא לאיחלופי לך, והא את הוא דאמרת: רבי מאיר הוא **דדאין דינא דגרמי**, מאי לאו ר' מאיר ולא סבירא לן כוותיה! (דף ק עמוד א) א"ל: לא, ר' מאיר וסבירא לן כוותיה.

It was stated: With regard to one who presents a dinar to a money changer to assess its value or authenticity and the money changer declares it valid, and it is found to be bad, i.e., invalid, causing its owner a monetary loss, it is taught in one baraita that if the money changer is an expert, he is exempt, while if he is an ordinary person he is liable. And it is taught in another baraita that irrespective of whether he is an expert or whether he is an ordinary person, he is liable to pay for the owner's loss. To reconcile the baraitot, Rav Pappa said: When the baraita teaches that an expert is exempt from liability, it is referring to renowned experts such as the money changers Dankhu and Issur, whose expertise is so great that they do not need to learn about assessing currency at all. The Gemara asks: But if they are so proficient, in what did they err? The Gemara answers: They erred with regard to a coin from a new press, which at that time was leaving the press, and they did not know its value.

The Gemara relates: There was a certain woman who presented a dinar to Rabbi Ḥiyya to assess its authenticity. He said to her: It is a proper coin. The next day she came before him and said to him: I presented it to others, and they told me that it is a bad dinar, and I am not able to spend it. Rabbi Ḥiyya said to Rav: Go exchange it for her, and write on my tablet [apinkasi]: This was a bad transaction, as I should not have assessed the coin. The Gemara asks: But what is different about Dankhu and Issur, who are exempt due to the fact **that they do not need to learn about assessing currency**? Rabbi Ḥiyya too did not need to learn, as he was also an expert. The Gemara responds: Rabbi Ḥiyya was not actually required to return a dinar to this woman, but when he did so he acted beyond the letter of the law...

Reish Lakish presented a dinar to Rabbi Elazar so that the latter would assess it. Rabbi Elazar said: It is a proper coin. Reish Lakish said to him: **Realize that I am relying on you**. Rabbi Elazar said to him: What is the purpose of stating that you are relying on me? Is it so that if this dinar is later found to be bad, I will be required to exchange it for you with a good dinar? But it is you who said that it is Rabbi Meir **who is of the opinion that there is liability for damage caused by indirect action**, even if he did not directly cause damage to the property. What, is it not that you intended to say: This is the opinion of Rabbi Meir, but we do not hold in accordance with his opinion? Reish Lakish said to him: No, I intended to say that this is the opinion of Rabbi Meir, and we do hold in accordance with his opinion.

## **Determining Reliance and Causation: When are professionals liable for causative damages in Jewish law?**

### **8. Rabbi Asher ben Jechiel (13<sup>th</sup> century Germany), Bava Kamma Chapter 9**

ומראה דינר לשולחני... **והיכא דהוא בעצמו עושה היזק לממון חבירו וברי היזקא הוא הנקרא דינא דגרמי**. שורף שטר או מוחל הוא בעצמו מזיק לממון חבירו. וכך מראה דינר לשולחני דבמה שאומר לו שהוא טוב הוא מזיקו.

One who shows a dinar to a money changer...and any case in which he himself does damage to his friend's property and the potential for damage is clear that is called the "law of causation". One who burns a contract or pardons it is himself damaging his friend's assets. Similarly, [in the case of] one who shows a dinar to a money changer [this is so] for by telling him its legitimate he damages him.

### **9. Rabbi Moshe Nachmanides (13<sup>th</sup> century Spain), Bava Metzia 82b**

אלא שאין באומן הטועה במלאכתו משום מזיק

Rather, a craftsman who errs in his work isn't considered a damager.

### **10. Rabbi Moshe Nachmanides (13<sup>th</sup> century Spain), Wars of G-d on Sanhendrin 11a**

ואף על גב דבמראה דינר לשולחני חייב התם כיון דצריך למגמר וחזי פושע הוא דשכיח בהו טעותא טפי והוה ליה כמאן דליתיה דינא בדינא אי נמי כמי שאינו מומחה וראה את הבכור ונשחט על פיו שמשלם

Even though in the case of one who shows a dinar to a moneychanger he is liable, there since he needs to train and he still appraised (the coin) he is negligent because mistake are very common. It's as if he judged a case without certification or who wasn't an expert and saw a firstborn slaughtered upon his word that he pays.

### **11. Rabbi Isaac Alfasi (11<sup>th</sup> century Spain), Bava Kamma 35b**

שמעינן מינה דהדיוט לא מיחייב לשלומי עד דמודע ליה דעליה קא סמיך דאי לא מודע ליה מצי א"ל לא ידענא דעלי קא סמכת ואי מוכחא דעליה קא סמיך לא צריך לאודועיה:

We learn from this that a non-expert isn't liable to pay until [the consumer] tells him that he is relying on him. For if he doesn't tell him he can respond "I didn't know that you were relying on me. If it is clear that [the consumer] is relying on him he doesn't need to inform him.

## 12. Rabbi Asher ben Jechiel (13<sup>th</sup> century Germany), Bava Kamma Chapter 9

והתוספות כתבו דאפילו לא אמר ליה חזי דעלך קא סמיכנא חייב.

Tosafos writes that even if he doesn't say to him: "See that I am relying on you" he is liable...

## 13. R. Yitzchak ben R. Moshe (12<sup>th</sup> century Vienna), Or Zarua on Bava Kamma 410

וה"ה אם מראה לחבירו משכון או סחורה וסמך עליו אם אינו אומן חשוב חייב לשלם ההפסד... ושאל לרבינו אפרים זצ"ל והשיב... ומה שכתב הוא הדין מראה משכון או כל סחורה קשיא לי... ע"כ הוזקקתי לפרש כל הני דאמ' המראה דינר לשולחני כגון שבעל כרחו יש לו ליקח הדינר כשהאומן אומר טוב הוא ואינו יכול להשמט... והיינו דקאמר עלך קסמיכנא כלומ' ע"כ יש לי לקבל מאחרים שאתה אומר טוב הוא... אבל מראה משכון ומקח אין לו ע"כ ליקח ולקנות אם ירצה יקח ואם לאו יניח ולא דמי להכא כלל. ולא נראית תשובתו לרבינו יואל זצ"ל:

The same is the case if he shows his friend collateral or merchandise and he relies on him. If he isn't an important expert he is liable to pay for the loss. This was asked to Rabbi Ephraim and he answered... his writing that the same applies to a person who shows a collateral or any merchandise is difficult to me... Therefore I am forced to explain that all the cases regarding one who shows a dinar to a money changer deal with a case **in which he has to accept the dinar against his will if the expert says it is legitimate and he can't escape**... that is the meaning of [the Talmud's statement] "I am relying on you" meaning I have no choice but to accept this from others since you say it's legitimate... But in the case of advice regarding collateral or a purchase he isn't compelled to follow the advice. His answer didn't appear correct to Rabbi Yoel.

### Pro Bono Work: Experts vs. Non Experts

## 14. Talmud, Bava Kamma 99b (Davidson Edition Translation)

אמר רבה בר בר חנה אמר רבי יוחנן טבח אומן שקלקל חייב ואפילו הוא אומן כטבחי ציפורי ומי אמר רבי יוחנן הכי והאמר רבה בר בר חנה עובדא הוה קמיה דרבי יוחנן בכנישתא דמעון ואמר ליה זיל אייתי ראיה דממחית לתרנגולים ואפטרך לא קשיא כאן בחנם כאן בשכר כי הא דאמר רבי זירא הרוצה שיתחייב לו טבח יקדים לו דינר מיתבי המוליך חטים לטחון ולא לתתן ועשאן סובין או מורסן קמה לנחתום ועשאו פת ניפולין בהמה לטבח וניבלה חייב מפני שהוא כנושא שכר אימא מפני שהוא נושא שכר

Rabba bar bar Hana says that Rabbi Yoḥanan says: An expert butcher who damaged an animal by slaughtering it incorrectly, thereby rendering it non-kosher, is liable to pay the owner of the animal, and even if he is as expert as the butchers of Tzipori, it is not considered an accident, and he is considered to be at fault. The Gemara asks: And did Rabbi Yoḥanan actually say this? But didn't Rabba bar bar Hana say that there was an incident in which a butcher who damaged an animal was brought to court before Rabbi Yoḥanan in the synagogue of the town Maon, and Rabbi Yoḥanan said to the butcher: Go bring proof that you are an expert at slaughtering chickens, and I will exempt you from payment. The Gemara responds: This is not difficult. Here, in the aforementioned incident, the butcher slaughtered the animal for free, and he is therefore exempt, while there, in Rabba bar bar Hana's previous statement, he slaughtered the animal for pay, and is therefore liable to pay for the damage. This is in accordance with that which Rabbi Zeira says: One who wants a butcher to be liable to pay him in the event that he damages the animal during slaughter should advance him a dinar, so that he is paid for his services, and he is consequently liable to pay damages. The Gemara raises an objection from the Tosefta (10:9): One who brought wheat to another to grind for him, and the miller did not wet the grains sufficiently for the grinding to be performed effectively, and as a result he converted the grain into bran or coarse bran; or if one gave flour to the baker and he made bread that is underbaked and tends to crumble; or if one gave an animal to a butcher and the butcher killed it in a way that rendered it an unslaughtered animal carcass, the worker is liable, because he is like a paid bailee. This indicates that even if the work was done for free, the worker has the legal status of one who is paid, and he is liable to pay for the damage. The Gemara answers by emending the baraita: Say instead: Because he is a paid bailee and actually receives payment.

## 15. Tosafot Bava Kamma 99b

ותניא אידך בין אומן בין הדיוט חייב - לא שייך הכא לשנויי כאן בשכר כאן בחנם כדמשני גבי שחיטה דבהכרת מטבע צריך בקיאות גדול ולית ליה למיהזי אם אין בקי כדנכו ואיסור.

It isn't applicable to answer by differentiating between a paid moneychanger and a moneychanger who works for free as the Talmud answered in regard to slaughtering, because recognizing a coin requires great expertise and one shouldn't [attempt] to evaluate if they aren't experts like Dankhu and Issur.

## 16. Rabbi Moses Maimonides (12<sup>th</sup> century Israel), Laws of Renting 10:5 (Chabad.org translation)

המוליך חטין לטחון ולא לתתן ועשאן סובין או מורסן נתן הקמח לנחתום ועשאו פת נפולין בהמה לטבח ונבלה חייבין לשלם דמיהן מפני שהן נושאי שכר, לפיכך אם היה טבח מומחה ושחט בחנם פטור מלשלם ואינו מומחה אף על פי שהוא בחנם חייב לשלם, וכן המראה דינר לשולחני ואמר לו יפה הוא ונמצא רע אם בשכר ראהו חייב לשלם אף על פי שהוא בקי ואינו צריך להתלמד, ואם בחנם ראהו פטור והוא שיהיה בקי שאינו צריך להתלמד, ואם אינו בקי חייב לשלם אף על פי שהוא בחנ' והוא שיאמר לשולחני עליך אני סומך או שהיו הדברים מראין שהוא סומך על ראייתו ולא יראה לאחרים.

A person gave wheat to a miller to grind and he did not soak it. Hence the flour came out as bran or coarse flour. A person gave flour to a baker and he made bread that crumbles, or a person brought an animal to a slaughterer and he slaughtered it unacceptably. They are all liable to make restitution.

Therefore, if an **expert** slaughterer slaughters an animal **without charge** and he caused it to be unacceptable, he is not liable to make restitution. If he is not an expert, **even if he works without charge**, he is required to make restitution.

Similar rules apply when a person shows a coin to a money changer and he says that it is acceptable, and it is discovered to be unacceptable. **If he charged for his services, he is obligated to pay even though he is an expert and does not require further training.** If he did not charge, he is not liable, provided he is an expert and does not require further training. If he is not an expert, he must reimburse the questioner even when he does not charge for his services.

The above applies when the questioner tells the money changer: "I am relying upon you," or it is obvious from the situation that he is relying on his opinion and is not seeking another opinion.

## 17. Rabbi Shlomo ibn Aderet (13<sup>th</sup> century Barcelona), Bava Kamma 99b

ומשום הכי מסתברא לי דדנכו ואיסר דבקיאי טפי אפילו בשכר פטורים וכל השאר אפילו בחנם חייבין וברייתא מלתא פסיקתא תני, והפרש יש בין אומן דשחיטה לאומן דראיית המטבעות, דאלו גבי שחיטה שהדבר תלוי באומנות הידים שייך שאפילו האומן הבקי כטבחה דצפורי יקלקל לעתים אא"כ ישגיח ויכוין מלאכתו היטב ולפיכך לאו אנוס גמור חשבינן ליה, אבל בראיית המטבעות כל שהוא בקי הרבה כדנכו ואיסר כיון שהדבר תלוי בראייה והבקיאות בצורת המטבע לא שייך שיטעה בו הבקי כדנכו ואיסר, וכשטעה אנוס גמור הוא ושומר שכר פטור מן האונסין והלכך אפי' דנכו ואיסור אפילו בשכר פטורין כנ"ל.

Therefore, it makes sense to me that Dankhu and Issur who are great experts are even **exempt if they are paid and all others are liable even if they work for free** as the beraita made an unqualified statement. There is distinction between an expert ritual slaughterer and an expert coin appraiser. For regarding ritual slaughtering which is contingent upon manual expertise its possible that even a professional with the expertise akin to the slaughterers in Tzipori could occasionally make a mistake unless he is careful with his work. Therefore, its not considered a complete fluke. However regarding the appraisal of coinage, anyone who is a great expert like Dankhu and Issur, since it's a matter which is contingent upon investigation and an expert would not make a mistake, and if he does it's a complete fluke, and a paid watchman is exempt from flukes. Therefore, Dankhun and Issur would be exempt even if they are paid.

## 18. Rabbi Joseph Caro (16<sup>th</sup> century Israel), Code of Jewish Law, Choshen Mishpat 306:6

המראה דינר לשולחני ואמר לו יפה הוא ונמצא רע אם בשכר ראהו חייב לשלם אע"פ שהוא בקי ואינו צריך להתלמד ואם בחנם ראהו פטור והוא שיהיה בקי שאינו צריך להתלמד ואם אינו בקי חייב לשלם אע"פ שהוא בחנם והוא שיאמר לשולחני עליך אני סומך או שהיו הדברים מראים שהוא סומך על ראייתו ולא יראה לאחרים.

One who shows a dinar to a money changer and he says it is legitimate and it is shown to be illegitimate if he appraised it for pay he is obligated to pay even if he is an expert who requires no further training. If he appraises it for free he is exempt provided that he is an expert who requires no further training. If he isn't an expert he is obligated to pay even if it was for free provided that the consumer said to the money changer: "See that I am relying on you", or the circumstances dictate that he was relying on his appraisal and would not show the coin to others.

### Who is an expert?

## 19. Peter Weissman and David Wagner, When are Accountants Liable for Providing Negligent Tax and Estate Planning Advice?

In many negligence cases, expert evidence will not be necessary to determine the standard of a reasonable person in similar circumstances. However, where the plaintiff sues his former tax advisors for professional negligence, the plaintiff must present expert opinion evidence to prove what another reasonably skilled and experienced professional would have done in

the circumstances of the case... In contrast to claims for damages flowing from an accountant missing a filing deadline, where the plaintiff is suing for professional negligence in respect of the formulation and implementation of complex, nuanced tax or estate planning strategies it is unlikely that either of the two narrow exceptions will apply and it will almost always be necessary to procure expert evidence. In such situations, it is imperative that the plaintiff procure an expert's report that complies with the Rules of Civil Procedure and meets the test of admissibility. If the plaintiff fails to provide such evidence, s/he will "have no hope of success".

Unfortunately, CPA Ontario and its other provincial and territorial cohorts do not offer any type of tax specialist designations or certifications to their members. Moreover, the designations that do exist are generalized and fail to identify whether the accounting tax professional is certified in the specialized subset on which s/he is being asked to consult. For example, many tax specialists are not qualified to carry out butterfly transactions or advise on public company matters. Among other things, the lack of formal recognition of tax as a specialty area as well as the existence of these specialized subsets of tax advisory services introduces a level of uncertainty and subjectivity when it comes to accountants acting as expert witnesses.

## **20. Rabbi Joseph Caro (16<sup>th</sup> century Israel), Code of Jewish Law, Choshen Mishpat 306:7**

טבח שעושה בחנם וניבל וכן שולחני שאמר יפה ונמצא רע וכן כל כיוצא בזה עליהם להביא ראיה שהם מומחים ואם לא הביאו ראיה משלמין:

If a ritual slaughterer works for free and renders the animal non-kosher and similarly if a money changer says [a coin is] legitimate and its found to be illegitimate and so too in all similar cases, its upon them to bring proof that they are experts and if they can't bring a proof they are obligated to pay.

## **21. Rabbi Menachem Meiri (13<sup>th</sup> century France), Bava Kamma 99b**

ומ"מ אם לא היה מומחה לזה שעשה אף על פי שהיה מומחה לדברים הקלים שבאותה אומנות חייב

Nevertheless, if he wasn't an expert in the specific service he performed, even if he was an expert in easy tasks within that field he is liable.

## **22. Rabbi Chaim Yosef David Azulai (18th century Italy), Shiyurei Berachah to Birkei Yosef, Orach Chaim 328:1**

והיום שאין שום אדם יכול לרפאות כי אם ברשות חכמיהם, סתם כל עוסק ברפואה נקרא מומחה. מהרי"ל ואל"י.

Today, when no one may treat without license from their scholars, all who are involved in treating are called "experts".