

## The Legal News.

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### RULES OF PROFESSIONAL CONDUCT.

"Young Advocate" writes as follows:—

"To the Editor of the LEGAL NEWS.

"DEAR SIR,—I wish to obtain standard information as to two points of professional conduct. In the first place, when should a lawyer refuse a case? Secondly, when is he justified in asking for one? I have heard many contradictory opinions on both heads, and, though for this reason compelled to frame rules for myself independently, I should like to correct them in accordance with received usage. With regard to refusing cases I have concluded that the machinery of law exists for the sole purpose of healing disputes, of harmonizing society and of furthering justice, and to these ends that a lawyer should refuse any claim which is manifestly unfounded or criminal, but that if his client may reasonably hold his claim correct, though from merely personal grounds the lawyer considers it not so, the latter is bound to present, with all his resources and legal machinery, the client's view. As to asking for cases I have made three temporary rules where I think there is justification: the case of a close personal friend under exceptional circumstances; that of a creditor to whom one owes a large debt; and that of an important corporation. Please criticize and oblige."

Opinion has differed somewhat on the first point, but there can be little practical difficulty in determining the course which should be followed. A lawyer is not justified in refusing to defend an accused person merely because he thinks or knows him to be guilty; but he should not, under such circumstances, even in the most indirect way, express to the jury his belief in the innocence of his client. In the civil courts, a lawyer should refuse to give his advice or to act as counsel in a case which he sees is intended to blackmail, or to harass, or wrong the defendant. The exercise of his profession, or the profit he may derive from it, or even his client's interest, is no excuse for committing an immoral act.

The second question of our correspondent, when is a lawyer justified in asking for a case, may be answered in one word: Never! The supposed exceptions we cannot admit. If a "close personal friend" does not think highly enough of "young advocate" to intrust him voluntarily with his business, the friend may be placed in a very embarrassing position by a personal appeal. Still worse is the solicitation of a creditor for business. This would justify "young advocates" in importuning their tailor or bootmaker, who often may be their largest creditor. With reference to companies, we have always thought that the canvassing of such bodies, or rather their directors, for the patronage at their disposal, is a departure to be regretted from the traditions of the profession of advocacy.

### ADVOCATE AND ASSIGNEE.

To the Editor of the LEGAL NEWS:

SIR,—I have been requested to enquire through the LEGAL NEWS if it is in conformity with the rules and discipline of the bar that one should carry on the two-fold and I dare say, very profitable business of assignee to insolvent estates and advocate at the same time, a conspicuous example of which will be seen by the enclosed copy of advertisement.

The convenience of combining the two, from a business point of view cannot be doubted, but its fairness is very questionable.

Yours truly,

ADVOCATE.

[Our correspondent is hypercritical. The office of assignee is virtually extinct, nearly two years having elapsed since the abrogation of the Insolvent Act. It would be hard to debar a gentleman from the practice of his profession merely because he continues to represent a few estates which have not been completely wound up.—Ed. LEGAL NEWS.]

### CIVIL PROCEDURE IN QUEBEC.

To the Editor of THE LEGAL NEWS:

SIR,—The Province of Quebec being in labor of some improvements in its legal procedure, it behoves the profession to give a helping hand in such a difficult and important task Ex-Judge Loranger having been entrusted with the work of overhauling the existing system,