

*PROFESSIONAL INTERCOURSE.*

Some excellent suggestions are contained in an address delivered by Mr. R. S. Cleaver, president of the Liverpool Law Students' Association:—

The nature of a solicitor's employment tends to a large extent to keep him within his office. The more he secludes himself the less will he be inclined to mix with other practitioners, and by degrees he gets as it were out of touch with them. He contents himself with a curt letter, which precipitates a quarrel, where an interview would have cleared up misunderstandings. Therefore I advocate the maintenance of friendly intercourse with your fellows, both at the beginning of and throughout your career. Rest assured that it will both make your work pleasanter and, what is of more importance, redound to the advantage of your clients. Such reflections naturally lead to the subject of professional intercourse generally. And here I would rather address myself to those about to commence practice. We shall all of us from time to time have to transact business with people whose manner is irritating and who are incapable of temperate discussion. We shall only add to the sense of discomfort produced by such experiences if we permit ourselves to be tempted out of our self-restraint and betrayed into retaliation. We shall best consult our own peace of mind if we give heed to the advice of Marcus Aurelius in a passage which all may lay to heart: "Remember to put yourself in mind every morning that before night it will be your luck to meet with some busybody, with some ungrateful, abusive fellow, with some knavish, envious, or unsociable churl or other. Now all this perverseness in them proceeds from their ignorance of good; and since it has fallen to my share to understand the natural beauty of a good action, and the deformity of an ill one, I am likewise convinced that no man can do me a real injury, because no man can force me to misbehave myself." This is practical morality for our guidance in professional intercourse both by letter and interview. It inculcates the lesson of self-control, which is a faculty very unequally distributed, and yet surely of peculiar

value to a lawyer. To some indeed it seems to be a natural gift, and its exercise seems to cost no effort, while others, if they ever acquire it at all, find its cultivation as a habit a slow and difficult process. What I would venture to caution you against is the acquirement of a habit of supposing that because your client has quarrelled with some third person you are yourself called upon to assume an attitude of hostility to that person's solicitor and neither to offer nor accept any reasonable facilities in the conduct of the case. Such an identification, however zealous it may be, of the solicitor with the client's quarrel, so far from serving any useful purpose, tends directly to aggravate the worst evils of litigation. It is characterized by a very needless and injudicious degree of combativeness in letters. There are many men who are mildness itself at a personal interview, who systematically indulge in written communications the tone of which is uncompromising and defiant and perhaps thoroughly discourteous. The result is that relations between the solicitors probably become as strained as they are between the clients; personal communication is suspended; and when that climax has been reached the opportunity of mediation and amicable adjustment is gone. In short, this attitude of unreasoning and uncompromising partisanship almost invariably has the effect of increasing the expense on both sides and of embittering and prolonging the strife in every possible way. Much good may be done—no harm can ever be done—by softening the asperities of contentious business, so far as may be possible consistently with a due regard to the client's real interests. No harm can ever be done to a good cause by making reasonable admissions, and well would it be, were it safe in all cases, that there should be the fullest and frankest exchange of confidence between solicitors. It is, perhaps, not too much to hope that by degrees our ranks are becoming free from the class with whom such mutual confidences would be misplaced. The hackneyed phrase "without prejudice" has earned a somewhat evil reputation as the flag of truce under which alone belligerents hold any communication with one another, whereas it rather