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ETIQUETTE OF THE BAR.

DUTIES OF COUNSEL AS TO THE ACCEPTANCE OR REFUSAL OF BRIEFS.

A discussion, rather than a controversy, has been going on in London in which leading members of the profession have taken part regarding the action of Sir Edward Carson and Mr. F. E. Smith, K.C., in acting as counsel for the Attorney-General and the Chancellor of the Exchequer before the Marconi investigation committee. Both the gentlemen named are leaders of the Bar; both are also leaders of the Unionist party in Parliament where the report of the committee would necessarily come up for discussion and criticism. The question at issue is—were the circumstances such as would justify counsel in refusing to follow the universal rule by which they are bound to accept briefs offered to them, no matter by whom. As counsel for the defendants their duty would be clear. As members of Parliament their first duty was to those whom they represented before that, the highest court of the realm. Was it possible for the same men to occupy these two apparently irreconcilable positions?

In an article in the *Times*, the leading exponent of public opinion, the following passage appeared: "The etiquette of the Bar, we are told by some of its members, left these counsel (Sir Edward Carson and Mr. F. E. Smith) no choice; they could not refuse briefs delivered to them; they acted in accordance with a laudable practice and tradition which gives all comers the service of eminent advocates."

Commenting on this Sir Harry Poland, an eminent authority, says in a letter to the *Times*:—

"There can be no doubt that this is not the etiquette of the Bar. These eminent advocates were absolutely free to refuse briefs in the *Marconi* case, and in the prosecution of Mr. Chester-