

# **LESSONS FROM GANDHI ON BECOMING A LAWYER**



GANDHI-M.JPG



GANDHI-L.JPG

# Learning by Reading

- It took me nine months of hard labor to read through the Common Law of England
- But notwithstanding my study
- There was no end to my helplessness
- I had read the laws but not learnt how to practise law
- I had not even learnt how to draft a plaint
- And felt completely at sea.

# Learning by observing

- I used to attend High Court daily whilst in Bombay,
- but I cannot say that I learnt anything there.
- I had not sufficient knowledge to learn much.
- Often I could not follow the cases and dozed off.

# Sink or Swim

- I appeared for the defendant and had thus to cross-examine the plaintiff's witnesses.
- I stood up,
- but my heart sank into my boots.
- My head was reeling
- and I felt as though the whole court was doing likewise.
- I could think of no question to ask.

- The judge must have laughed,
- and the vakils no doubt enjoyed the spectacle.
- But I was past seeing anything.
- I sat down
- and told the agent that I could not conduct the case,
- that he had better engage Patel and have the fee back from me.
- To him of course, the case was child's play.

- I hastened from the court,
- not knowing whether my client won or lost her case
- I was ashamed of myself,
- and decided not to take up any more cases
- until I had courage enough to conduct them.
- Indeed I did not go to court again until I went to South Africa.

# South Africa - 1893

- a most valuable experience of my life
- I acquired a true knowledge of legal practice
- I learned the things that a junior barrister learns in a senior barrister's chamber

- Here I also gained confidence
- that I should not after all fail as a lawyer.
- It was likewise here that I learned
- the secret of success as a lawyer.

# A suspicious client

- Abdulla Sheth was practically unlettered
- But he had a rich fund of experience
- He had an acute intellect
- And was conscious of it.
- He had one disadvantage
- He was by nature suspicious

# A white elephant

- He thought his brother had sent him a white elephant.
- How far could he trust my ability and honesty?
- He would not be in Pretoria to watch me.
- The defendants were in Pretoria
- And might bring undue influence to bear upon me.

- Abdulla Sheth received a letter from his lawyer in Pretoria
- Preparations should be made for the case
- He should go to Pretoria or send a representative
- Abdulla Sheth asked me if I would go

# Learning the Client's Story

- “I can only say after I have understood the case from you.”
- “At present I am at a loss to know what I have to do there.”
- He thereupon asked his clerks to explain the case to me.
- I took the keenest interest in the case.
- Indeed I threw myself into it.

# Concerned about confidentiality

Abdulla Sheth said:

- “Should any one of them manage to read our private correspondence,
- it might do us much harm.
- The more you avoid familiarity with them, the better for us.”

# “I should like to be friends”

- “Don’t worry.
- Not a soul shall know anything that is confidential between us.
- But I do intend cultivating the acquaintance of the other party.
- I should like to be friends with them. “

- “I would try, if possible, to settle the case out of court.
- After all Tyeb Sheth is a relative of yours.”
- “Y .... es, I see. There would be nothing better than a settlement out of court.”

## “But we are all relatives”

- “and know one another very well indeed.
- Tyeb Sheth is not a man to consent to a settlement easily.
- With the slightest unwariness on our part,
- he would screw all sorts of things out of us,
- and do us down in the end.
- So please think twice before you do anything.”

- "Don't be anxious about that,"
- "I need not talk to Tyeb Sheth, or for that matter to anyone else, about the case.
- I would only suggest to him to come to understanding, and so save a lot of unnecessary litigation."

# The Train to Pretoria

- I began to think
- Should I go back to India?
- Or should I go on to Pretoria?
- It would be cowardice to run back to India without fulfilling my obligation
- So I decided to take the next available train to Pretoria
- And I should try, if possible, to root out the disease and suffer hardships in the process.

# We have no work for you as a barrister

- For we have engaged the best counsel.
- I shall take your assistance only to the extent of getting necessary information.
- And of course you will make communication with my client easy for me,
- as I shall now ask for all the information I want from him through you.

# “Facts mean truth”

- When I was making preparation for Abdulla Sheth's case
- I had not fully realized the paramount importance of facts
- Facts mean truth,
- and once we adhere to truth,
- the law comes to our aid naturally.

# Facts of the case in context

- I saw that the facts of Abdulla Sheth's case were very strong indeed
- But I also saw that the litigation, if it were persisted in,
- would ruin the plaintiff and the defendant
- who were relatives and both belonged to the same city.

# The case was devouring both sides

- No one knew how long the case might go on.
- Should it be allowed to continue to be fought out in court,
- it might go on indefinitely and to no advantage of either party
- The lawyer's fees were so rapidly mounting up
- that they were enough to devour all the resources of the clients, big merchants as they were.

# “I felt it my duty”

- The case occupied so much of their attention
- that they had no time left for any other work.
- In the meantime mutual ill-will was steadily increasing.
- This was more than I could bear.
- I felt it my duty was to befriend both parties
- and bring them together.

- Both parties desired an immediate termination of the case, if possible
- I approached Tyeb Sheth
- I recommended him to see his counsel.
- I suggested to him that if an arbitrator commanding the confidence of both parties could be appointed,
- the case would be quickly finished.

- I strained every nerve to bring about a compromise.
- At last Tyeb Sheth agreed.
- An arbitrator was appointed, the case was argued before him,
- and Dada Abdulla won.

# But that did not satisfy me.

- If my client were to seek immediate execution of the award,
- it would be impossible for Tyeb Sheth to meet the whole of the awarded amount,
- and there was an unwritten law among Porbandar Memans living in South Africa
- that death should be preferred to bankruptcy.

- It was impossible for Tyeb Sheth to pay down the whole sum of about £37,000 and costs.
- He meant to pay not a pie less than the amount,
- and he did not want to be declared bankrupt.

# There was only one way.

- Dada Abdulla should allow him to pay moderate installments.
- He was equal to the occasion
- and granted Tyeb Sheth installments spread over a very long period.

# The most difficult thing

- It was more difficult for me
- to secure this concession of payment by installments
- than to get the parties to agree to arbitration.
- But both were happy over the result,
- and both rose in the public estimation.

# My joy was boundless

- **I had learnt the true practice of law.**
- I had learnt to find out the better side of human nature
- and to enter men's hearts.
- I realized that the true function of a lawyer
- was to unite parties riven asunder.

- The lesson was so indelibly burnt into me,
- that a large part of my time during the twenty years of my practice as a lawyer
- was occupied in bringing about private compromises of hundreds of cases.
- I lost nothing thereby
- – not even money,
- certainly not my soul.