LESSONS FROM GANDHI ON BECOMING A LAWYER
Heroes & Villains
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.