

1] My learned Judges on dais and other dignitaries. We have heard two eminent speakers today, one is former lawyer and the another is a practising Lawyer at present. The one, who is practising, may do some practicals, how you succeed as a Lawyer and what you have to do and Justice Kanade, Senior Judge, narrated his experience as a Lawyer and how the relations with Bench and Bar. But, may I start with a question ! When you decide to join law, why do you join judiciary? After all, there are many number of other professions like medicines, teachings, business, industry, engineering, architecture and so on professions are available to you and why law. I think, we have over a period of time forgotten that law is not a fashion for livelihood. It was never in fashion for livelihood. It was a profession, where a person wanted to be a part of process by which justice would be given. The satisfaction was not out of money that you would get and even the money part was not an element of dimension that was discussed between the lawyer and his client. Those of you who are lawyers know that if you look at the black gown of lawyers, there is a little pouch at the shoulder. It is not stitched but it's still a part of the gown. That pouch was not stitched when the profession started. It used to be open. So those, who are practising in law or helping Courts in administrating justice, would not settle a fee for the services they would render to the client. It was for the

client, the person to whom he has appeared and for whom he has assisted to decide as to how much he can afford and how much money he ought to put into that pouch on the shoulder. It was not a job of the mercy. It was a service to the cause of justice, not for monetary returns. Over the years, that pouch has been stitched because the pockets have opened. So today is the greatest tragedy of this profession. If I may say, this is a noble profession which I have been part of for the past twenty two years before I became a Judge, and I continue to be a part of this. It is in the family; my father was a lawyer, my brother was also a lawyer who became a Judge. My three children, each one of them are lawyers. But the tragedy of the profession is that, it has over a period of time degenerated in true profession. We have lawyers like mercenary than the missionary. This is not a healthy development. Because those of us who have joined in the profession are looking for monetary gains, then you may be disappointed on two counts one you may have to wait for a long long time before you can really make monies. The said legal profession is not made up of roses. It is either the bed and no roses or all roses and no bed. By the time you reach where you have all roses around you and no time to go to bed you will have to wait for a long long time. So, those of us who think this is the one way of making quick money, I think they would get lot of disappointment. Because this profession requires lot of patience and lot of persistence and pursuance and need to stick up and you can stick only if you are in the profession because of your conviction and I

will do nothing else except a part of this profession where I will assist the Court for administration of justice. The other reason why people today are being away from the ethical basics of the profession because they want quick results but they are not ready to wait and therefore, they compromised of the essentials on the basis on the ethical aspects which brings not only to the name but also to the professionalist, as such.

The third dimension is that once you lose your credibility as a lawyer, you will never be able to be in profession, unless you have a basic conviction that you are here not for making money, but money incidentally starts flowing, rest assured that the amount of patience that you show, the sacrifices that you make in terms of honesty and not going for quick returns will reward you in the long run. If you compromise on basics, you will lose opportunity. You may continue to your profession on the right directions, was mentioned by my predecessor speakers. But I would like to identify some of them.

One thing that you must always keep in mind that Senior lawyers are standing by richer experience than I have at the Bar. One thing you must always keep in mind that "it is the hard work and the hard work alone". A senior member at the Bar because of his experience; because of his depth of knowledge; because of his hard work which he puts in the years and therefore, he can perhaps pick up a file and start arguing the matter without preparation. But a junior member, if he wants to match you against

the Senior, the only thing that he has greater in measures than senior colleague. The senior may not find time to see file more than half an hour, but a junior may see brief for two days, three days, two weeks, a month or two months because he has all the time and energy to look into the matters and work hard. So hard work, I think, is something which is at the bottom though it is said that there is a single brief that possibly ensures the success. There are sayings three things to be a successful lawyer, one is luck, second is luck and third is also luck. You need to be lucky to be successful and that would be true in certain situations. I have seen the people who are Gold Medalist, the people who are extremely successful and the people who are eloquent, the people working very very hard, bookish, but none of them have the only quality that was of bookish knowledge or some other quality which they thought will help them, is the ability to make contacts through network, with the people and the ability to get work. But success is used as a way. But something that cannot be defined in the profession. Something that remains elusive as a test or as a guarantee for success in life. That is why they say that in order to succeed three things to be looked into. But having said that the hard work is something which takes you a step closer to success, there are people, I have seen in the profession who first build a case on facts and then look for law. There is fundamental error. In the present, I am addressing the younger members particularly panel lawyers perhaps who are struggling to discover the fundamental clues about the legal

profession. You can tell us the facts in law, you can not tell the law to the facts. Facts will perhaps be manageable, but you must know what the law is. Law will never change. Law will remain as it is. Law is kind of eternal truth, unless it is changed by the legislative members where the Parliament repeals the law, otherwise law remains constant. Section 302 of Indian Penal Code justifies hanging the life imprisonment in the case of murder. That is the law. But, whether or not facts constitute murder, may alter. So, therefore, when you are building a case, it will be civil case or it will be a criminal case, you need to know the law. Because law is like a destination, and the trial is a journey. If you know the destination, you can at the trial assemble facts, prove facts, modulate the facts, present facts that will eventually take you to the destination. The destination must be known to you. Imagine, if you are a traveller and you don't go to destination and if you are eventually landed in Goa and wanted to come to Goa and know the destination and you will be lost and therefore, a lawyer must know where he is going to lead the facts. The client's case must understand, but before he does that he must know what is the legal position. You will be able to reach them and when you build the case on facts and you construct your case and to reach that ultimate destination, you need to know also the difference between good lawyer and good Advocate. There is distinction. You may be a good lawyer. You know law, but you may be a bad Advocate as you are unable to present the case. These are two distinct things. My experience have seen there are people we

had called Shri R.C.Nanda. He remembered the Code of Civil Procedure by heart. He was such a horrible lawyer and his perfect knowledge about the legal position that you would never match him. But he was bad Advocate. You had only to somehow annoy and he would lose balance and he would not be able to think and he would start shouting at you to be just. So a trick, we used to play with that great lawyer. His sole is passed away. He was just in the course of argument say my Lord, my learned friend does not know any law. He would get totally derailed. So there are tricks. Therefore, you will have patience to accept a statement that may be unpleasant. Don't lose your balance. Advocacy and lawyer are two distinct things, you need to build both. If you want to be perfect lawyer, you must know the law and you cannot be perfect unless how to present what you know, because ultimately what is the job of a lawyer. Job of a lawyer is to think. A lawyer, who thinks is dangerous, because he thinks, but who does not think is very easier. The quality of a judgment which Court delivers depends on the quality of assistance of Court. It is directly connected. If there is better assistance then better judgment. So rarely, a Judge produces something very sympathetically out of his own knowledge. Mostly, the lawyers do the hard work, but a lawyer thinks about a point. He first thinks about a point. When I am going to argue and he also anticipates that what my opponent is to argue and if my opponent is going to argue like this and I am going to reply like this. If I am going to reply like this and he is going to answer like that, and in that way, he fashions

the argument. Then he polishes the arguments with whatever to see embarrassment seek and beg and based on facts presents its facts and other things to the Judge and makes it so attractive and easy and that is the craft and that is what is important. They should make the argument looks so easy and attractive that the Judge falls for it. After all what is lawyery and what is advocacy. There is a gentleman sitting up there. In most of the cases there are regular matters in which we are practically unaware about the facts. But the lawyers see these facts and master them. He should have the confidence that he knows better than the Judge. So he presents his point of view and he presents his point and tries to persuade the Judge politely and forensically not forcibly, as some lawyers start by raising their voice and by eloquence some times. I can assure you, eloquence helps but eloquence also has to be moderate.

The concept of advocacy is that I remember the words of Advocate Daptari. He told me that in the profession of advocacy you should speak slowly, speak clearly, never mind the judge. The great lawyer who I believe was equal if not better than work. He made reference of Advocate Palkhiwala.

The whole purpose of advocacy is to assure the gentleman sitting there, follows you and understands what you are saying. Justice Kanade said he started reading the papers and he thought that he is arguing the matter. No that is the way to argue.

Argument is a communication between the Lawyer and the Judge. If

you really want and if you are confident about the point you formulated which you are arguing, you ought to wait for the Judge to look into your eyes. He must look into your eyes and then you must communicate and make sure that what you are saying, is followed, as some judges are very fast. Therefore, there, you may have to be very little faster, but there may be judges who are slow and therefore, at every stage you must find out that by clipping the finger catching his hand and taking him through the jungle of facts which he does not know. But you want to take him in a particular destination and it can be done that passenger behind you. If you are running ahead, you do not know the gentleman behind whether he is following or not and you reached 20kms. away and you will not get the order. You must pause, you must slow, calm and take the judge in all the bundle of facts. Therefore, this eloquence is at your level. Eloquence comes gradually. What is more important is you have thought a point and the judge has understood it. He may decide the case. He must understand the point as you want. Now, Justice Kanade very rightly said you must know the judge. He made reference to Shakespeare recited, poem of Pakistani poet.

It is ultimately the way you present the case. You are going to be good Communicator. Why do people need you. Because of two things (1) they do not know the law (2) they do not know the law as to how the court fees paid and how to file the petition and other thing important is they may be handicapped in presenting the case. So there is professional communicator.



Somebody who professionally so adapts in presenting things in the best possible way. Lawyer is presenting dimension which suits his client to the best of his ability. Lawyer's job is rewarding. He should be conscious and ethical. He is like an artist, waiting for an opportunity to perform moral of story. The moment you get an opportunity, you should make use of it that will earn good money.

Opportunity should be grabbed. Just imagine, if you don't advertise your profession. By a word of mouth, people would come to know. What you have to do. You have to depend upon your reputation, credit in the Court and outside the Court. If you have done well in the matter, people will ask who is this good lawyer. He will tell others that you are a good lawyer. If you are not prepared and fumble in the Court, the judge may fire you and say why you are wasting my time. There are several lawyers sitting in the Court who will spread that you are an useless lawyer. Reputation is a very important factor in the profession. I can assure that once the reputation is lost, then the lawyer cannot stand in profession. You can fail in the profession. Negative reputation cannot be cured. Credibility with the Judge must be maintained, which is a great asset.

Shouting, rude behaviour and un-parliamentary behaviour will never be rewarded. You should be good in presenting your argument and you should behave well inside the Court and outside the Court. In the long run, it should be the politeness, nobility, goodness of the person in you as a

lawyer, the estimation of Judge which earns to good reputation and those who are not eloquent and knowledgeable and those who are polite, known to be gentle at heart, compassionate, good human being, honest, they carry more conviction. I am very comfortable with the lawyer who is honest and having professional ethics. I feel he is a honest person. You always try to invest your credibility and rest is all. It is a lifelong profession and it is a learning process. Advocacy is a great profession, but should stick to ethical part of it. Once you do it, success will certainly come your way.

Thanks.

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