

CORDERY'S LAW RELATING TO SOLICITORS. By F.T. HORNE (8th Edition).
[London: Butterworths. 1988. xciii + 435pp. Hardcover: £75.00].

CORDERY, the leading book on solicitors, is now in its eighth edition. This edition is written by Frederic E. Home, Chief Taxing Master of the Supreme Court of Judicature.

This work aims to cover all aspects of law relating to solicitors, not just those that are peculiar to them but any area that bears a close relationship to their work.

Various aspects of the solicitor – client relationship are discussed: the authority of the solicitor, his fees, transactions between a solicitor and his client, the solicitor's liability in contract and tort.

The book deals in five pages with the different types of privileges provided to the solicitor. These include client privilege, privilege against defamation suits, privilege in respect of communications to the court and privilege in communications to the public. The law on client privilege is not covered extensively here and the reader is referred to books on evidence for more on this area. It should be noted that the law in Singapore as regards this privilege is arguably quite different from common law.

The disabilities of solicitors is discussed in some detail, with coverage of such topics of purchases by solicitors from his clients and sales by solicitors to their clients, loans between them, gifts and bequests by clients to their solicitors.

The lien of the solicitors is highly useful in enforcing their right to payment by their clients. This topic is thus given the appropriate coverage of thirty pages. The limitations of the lien are well covered. The book states that a solicitors' lien has to be registered under section 395 of the United Kingdom's Companies Act 1985, failing which, it is void against the liquidator. Unfortunately, there is no reference to the specific section 395. The latest edition of Pennington (Pennington's *Company Law*, Fifth Edition, Butterworths 1985, p 521) states that charges imposed by law over the company's property, example, liens over documents by persons who have provided services, are not created by the company and are thus not registerable. Thus Cordery would appear to be wrong on this point. It is thought that the position in Singapore would be as stated in Pennington.

The law relating to solicitors' partnerships is covered under the chapter entitled "Solicitors' Professional Relationships". Also in this chapter there is coverage of the relationship between solicitors and other parties, namely, barristers, other solicitors, witnesses, the court, agents, clerks and licensed conveyances.

One area that has received recent prominence is the authority of a solicitor to bind his firm by his undertakings to third parties (see the case of *United Bank of Kuwait Ltd. v Hammond* and *City Trust Ltd. v Levy*, both reported at [1988] 1 WLR and the casenote by Tan Cheng Han in [1989] 3 MLJ 1x). In the two cases cited, the same solicitor had by giving undertakings to financial institutions that monies due to a third party would shortly come under his firm's control and would in due course be transferred to the third party with the financial institution, managed to obtain loans for that party. This is thus an area fraught with potential liability for solicitors' firms. The book covers the authority of a solicitor to bind his client in the chapter relating to the solicitor-client relationship. It also covers, in the chapter on professional relationships, the authority of a partner to bind his firm but nothing on the authority of a solicitor, who is not a partner, to bind his firm through his undertakings. Unfor-

tunately since the law has been discussed only till November 1987, this area is not covered.

In England, a new Act, the Administration of Justice Act 1985 has given the English Law Society extensive powers to deal with what the author calls 'shoddy work' that does not fall within the definition of negligence. Section 44A of this Act allows the Council of the Law Society to impose sanctions where the work of the solicitor is not of the quality that could reasonably be expected of a solicitor. Sanctions include the ability to order the solicitor to rectify the mistake or to waive a part of the costs charged to the client or to refund the whole or part of any amount charged as costs.

What is this book's relevance to the local bar? Beside the fact that many areas of the law relating to solicitors is based on common law, there are in addition, some areas where through special reasons, there is a connection between the local law and English law. Some provisions of the Legal Profession Act (Chapter 161, 1985 Rev. Ed.) are similar to English Solicitors Act 1974 and its predecessor Acts, sections 19 to 23 being similar to section 30 of the Singapore Act. English cases on the scope of the solicitors' monopoly would thus be useful in construing our own provisions.

Section 80(1)(h) of the Singapore Legal Profession Act states that an advocate and solicitor can be disciplined if he has done an act which would render him liable to be disciplined if he were an English barrister or solicitor. This provision thus expressly incorporates standards of conduct applicable in England into Singapore, subject though to the fact that due regard must be had to the fact that the local profession is fused.

Although the work lacks detail in some areas, for example, as mentioned above, client's legal professional privilege is not extensively covered, based on the width of topics covered, it still forms an indispensable reference work on the shelf of any lawyer and any person interested in the professional conduct of the bar.