

# **AN EMPIRICAL STUDY OF ISSUES FACED BY EARLY-CAREER YOUNG LAWYERS IN THE LEGAL PROFESSION**

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## **I. INTRODUCTION**

The structure of the legal profession has evolved during the last two centuries making it structured under the state authorities. Resultantly, professional bodies have emerged to regulate the members of legal professions. The states are regulating the legal profession through the lawyer bodies commonly known as bars. On a similar pattern, the Bar Council and Practitioners Act 1973 regulates the establishment and working of the bar councils in Pakistan. The act defines the enrollment criteria for the practitioners, qualification, eligibility, and rules of conduct.

Having role and influence in national politics, the bar councils often ignore the professional regulation and uplifting the standards of advocacy. The bar councils in Pakistan are democratically elected bodies by the members of respective bar councils. Traditionally, the bar councils and the electorates affiliate with the national political parties. For this reason, the bar councils remain focused on internal (bar) and external (national politics). The affiliation and role in national politics help the lawyers in securing judicial appointments, the positions of governmental attorneys, the advocate journals, and the state prosecutors. Governmental appointments are lucrative for financial gains and professional nuisance. The process of election impacts the standards of advocacy in Pakistan. The bar councils abstain from adopting effective entry criteria to the legal profession. Resultantly, the bar councils accommodate the professionals who are not well-versed in the profession.

Owing to the educational standards, bar entry criteria, politics in the bar councils, and lack of

effective regulations, the lawyers face multi-faceted issues in the early years of the profession. The struggling new entrant tries to find short-cuts to make their livelihood. All of this impacts the standards of rule of law in Pakistan. The available literature on the topic focuses on uplifting the standards of education to raise the standards of the legal profession in Pakistan. There is a scarcity of literature measuring the issues of the new entrant in the legal profession. This study provides the empirical mapping of the issues facing the early-career lawyers in Punjab, Pakistan. The study will help the bar councils in adopting the effective regulatory and supervisory role to optimize the experience of lawyers in their early years of legal practice.

## II. LITERATURE REVIEW

The legal profession is a significant player in maintaining the law and order in a society. Black defines a profession as a service or job by skilled

people trained intellectually.<sup>1</sup> The understanding of profession according to the Britannica, the legal profession stands for a vocation that requires acquiring legal expertise and their application in the courts of law. The nature of the legal profession is very diverse in contemporary times as the legal practice is not limited to the courts only, it has expanded to corporate, intellectual property, artificial intelligence, and other facets of modern human society. John Henry Merryman argues that law graduates build a tendency to work as lawyers, judges, attorneys, legal consultants, and prosecutors.<sup>2</sup> This choice comes from their interest during the studies in law.<sup>3</sup> The legal profession, according to Oliver Wendell Holmes, Jr., is not an ordinary understanding of logic rather it is an experience of application and interpretation of laws.<sup>4</sup> Andrew Godwin and Richard Wai-sang Wu argue on the same notion by stating that the law has become a

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<sup>1</sup> BLACK'S LAW DICTIONARY (8th ed. 2004), at 1,375.

<sup>2</sup> JOHN HENRY MERRYMAN, CIVIL LAW TRADITIONS (1990).

<sup>3</sup> *Id.* at 109.

<sup>4</sup> Oliver Wendell Holmes, Jr., "The Profession of the Law," February 17, 1886, Harvard University.

liberal art and an applied degree where the graduates are trained to apply the law on societal issues.<sup>5</sup>

The statistics show that six lawyers' per capita population are available to help the masses access justice in Pakistan.<sup>6</sup> A.Q. Sial finds that the fundamental issue with the practicing lawyer is backward standards of legal education in Pakistan.<sup>7</sup> Osama Siddique estimates that the total number of lawyers enrolled in Pakistan are 89,642, however, the number of active practitioners remain lower.<sup>8</sup> Yu ShuHong, et al.<sup>9</sup> find that the quality of legal training of the lawyers in Pakistan is not as per the global standards. Among the issues faced by the early-

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<sup>5</sup> Andrew Godwin & Richard Wai-sang Wu, *Legal Education, Practice Skills, and Pathways to Admission: A Comparative Analysis of Singapore, Hong Kong, and Australia*, 66 J. LEGAL EDUC. 212 (2016).

<sup>6</sup> Steven Freeland, *Educating Lawyers for Transitional Challenges*, 55 J. LEGAL EDUC. 502-504 (2005).

<sup>7</sup> A.Q. Sial, *Designing Legal Education to Support Social Evolution in Pakistan*, 40 S. ASIAN STUD. 283 (2009).

<sup>8</sup> Osama Siddique, *Legal Education in Pakistan: The Domination of Practitioners and the Critically Endangered Academic*, 63 J. LEGAL EDUC. 499 (2014).

<sup>9</sup> Yu ShuHong, et al., *Cross-National Comparative Study on Legal Education and Admission to Practice Between China, India and Pakistan*, J. LEGAL STUD. (2018).

career lawyers, D. Khan and M. Daniyal<sup>10</sup> examine the issue of cyberbullying that discourages the female lawyer from the profession. The study empirically maps the quantum of cyberbullying, its impact, and recommends the ways to deal with the issue of cyberbullying to create indiscriminate opportunities for both genders. Humera Riaz examines the issues of women lawyers in Pakistan by finding that the female lawyers faced discrimination in the profession that discourages their participation in the profession.<sup>11</sup> Saghir M. Mehar has studied the issue of the legal profession in Pakistan from the perspective of legal education and concludes that legal education must be oriented on modern trends to uplift the legal profession.<sup>12</sup> This study evaluates the challenges faced by legal professionals academic, intellectual, skills, and job satisfaction. The study will contribute to the literature by assessing the

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10 D. Khan & M. Daniyal, *CYBER BULLYING IN PAKISTAN: STATISTICAL, LEGISLATIVE, AND SOCIAL ANALYSIS* (2018).

<sup>11</sup> Humera Riaz, *Women Lawyers in Pakistan: Navigating in a Male-Dominated Field*, Lund University (2020).

<sup>12</sup> Saghir M. Mehar, *Bridging the Growing Disjunction Between Legal Education and Practice in Pakistan*, Northeastern University (2020).

limitations of training and support given to professional lawyers in the initial years of the profession. This will help in improving the academic standards, bar council framework, and overall enhancement in the experience of practicing lawyers.

### III. AIM AND RESEARCH QUESTIONS

The study aims to map the issues faced by early-career legal professionals in the early years of their legal practice. The fundamental question is to assess what are the basic challenges faced by young lawyers? The investigation adopts a quantitative research design to present an objective picture of the issues. Furthermore, the study divides the assessment into several parameters such as atmosphere for learning the required skills, the availability of adequate facilities, financial, and social issues affecting the standards of advocacy and the legal profession. The purpose remains highlighting the challenges faced by the young lawyers that will also point to the issues in the legal education, training of young lawyers, and the required support to provide a

conducive environment for early-career legal professionals.

#### IV. RESEARCH METHODOLOGY

This research adopts a quantitative research design using the survey method. A structured questionnaire was prepared to collect the data. The sample (N=254) consists of young lawyers from Punjab, Pakistan. The Questionnaire was distributed via post, courier, e-mail, and personal visits among 380 participants. Out of a total, 380 questionnaires distributed, 255 were received back (67.10% return ratio). Among the total received, one questionnaire was incomplete hence excluded and 254 questionnaires were used for this study.

The questionnaire was first discussed with two senior lawyers and then it was pilot tested among six lawyers. The questionnaire was revised according to recommended changes suggested during the pilot testing. The questionnaire consists of two parts, the first part is about demographic information, and the second part is about issues related to finance skills,



workplace, problems, and job satisfaction. A Likert-type scale was used to gather the participant's responses.

The Statistical Package for Social Sciences (SPSS V-23) was used to analyze the collected data. The data is described in form of tables and diagrams after applying descriptive statistics through SPSS. The data is presented in tables in percentages, means, standard deviation, frequencies, and distribution.

## V. FINDINGS

A majority of the participants (86.6%) are male. Most respondents (85.4%) have L.L.B as the highest qualification and the majority (72.8%) of them have professional experience of fewer than two years.

**Table 1: Demographic Information**

Gender of Respondents	Male		Female	
	220 (86.6%)		34 (13.4%)	
Education of Respondents	LLB	LLM	PhD	
	217 (85.4%)	36 (14.2%)	1 (0.4%)	
Experience of Respondents	<2 Year	2-4 Years	>4 Years	
	185 (72.8%)	54 (21.3%)	15 (5.9%)	

A majority (90.6%) of respondents are either practicing with a senior lawyer or with a law firm. Similarly, a large number (81.5%) do not have their separate offices or chambers. Most of the respondents (72.4%) prefer a permanent legal job over an independent practice.

**Table 2: Practicing Style, Offices & Legal Job**

	YES	NO
Are you practicing with a senior lawyer or law firm?	230 (90.6%)	24 (9.4%)
Do you have a separate Office/Chamber?	47 (18.5%)	207 (81.5%)
Do you prefer a legal permanent job over an independent practice?	184 (72.4%)	70 (27.6%)

Respondents were asked 07 questions regarding the issues related to finance; 03 statements received the mean value of around four i.e. “Are your parents supporting you financially?” (M=4.12, SD=1.042), “Is it difficult to get the fee from the clients?” (M=3.96, SD=.735), “Do you face financial difficulties in the legal profession?” (M=3.82, SD=.973); 02 statements received the mean value of around two which means the legal fee of respondents are ‘rarely’ according to the market (M=2.16, SD=.738) and they are rarely satisfied with their current earnings? (M=2.02, SD=.770) (Table 3).

**Table 3: Financial Issues**

Statements	Valid Number	Mean	Std. Deviation
Are your parents supporting you financially?	254	4.12	1.042
Is it difficult to get the fee from the clients?	254	3.96	.735
Do you face financial difficulties in the legal profession?	254	3.82	.973
Do you have other sources of income than practice?	254	3.13	1.348
Does your senior help you financially?	254	2.77	.735
Is your legal fee according to market value?	254	2.16	.738
Are you satisfied with your current earnings?	254	2.02	.770

Scale: 1= Never, 2= Rarely, 3= Sometimes, 4= Often, 5= Always

Respondents were asked 08 statements regarding the issues related to advocacy skills. Four out of eight statements received a mean value around 4 which indicated that senior lawyer ‘often’ help the respondents to improve their professional skills

(M=3.80, SD=1.076), judges often appreciate the high level of advocacy skills (M=3.70, SD=1.180), a law degree is helping respondents in their law practice (M=3.65, SD=1.100) and law library helps respondents to improve their advocacy skills (M=3.56, SD=1.187). One statement received a mean value of around two which means colleagues of respondents rarely help them to enhance their advocacy skills (M=2.47, SD=.865) (Table 4).

**Table 4: Advocacy Skills Issues**

Statements	Valid Number	Mean	Std. Deviation
Does your senior lawyer help you to improve your skills?	254	3.80	1.076
Do judges appreciate the high level of advocacy skills?	254	3.71	1.180
Do you think your law degree is helping you in law practice?	254	3.65	1.100
Does Law Library help you to improve your advocacy skills?	254	3.56	1.187
Are your clients satisfied with your advocacy skills?	254	3.24	1.007
Is it difficult to learn advocacy skills?	254	3.17	1.226
Do clients appreciate the high level of advocacy skills?	254	2.97	.961
Do your colleagues help you to enhance your advocacy skills?	254	2.47	.865

Scale: 1= Never, 2= Rarely, 3= Sometimes, 4= Often, 5= Always

Respondents were asked 07 statements regarding the environment and facilities available at the workplace. Three statements received a mean value of around 4, indicating the majority of respondents agree that the law library is updated with the latest

books and journals ( $M=3.91$ ,  $SD=.986$ ), the attitude of senior lawyers is encouraging ( $M=3.89$ ,  $SD=.686$ ) and Online legal research tools are available at the workplace ( $M=3.82$ ,  $SD=1.013$ ). Two statements received the mean value of around 2, indicating that the majority of respondents have disagreed that the workplace environment is encouraging ( $M=2.31$ ,  $SD=.831$ ) and the attitude of clients is encouraging ( $M=2.23$ ,  $SD=.938$ ) (Table 5).

**Table 5: Workplace Facilities & Environment**

Statements	Valid Number	Mean	Std. Deviation
Law library is updated with the latest books and journals.	254	3.91	.986
The attitude of senior lawyers is encouraging.	254	3.89	.686
Online legal research tools are available at the workplace.	254	3.82	1.013
The attitude of judges is encouraging.	254	3.25	.698
Facilities available at the workplace are up to the mark.	254	3.15	.743
Workplace environment is encouraging.	254	2.31	.831
Attitude of clients is encouraging.	254	2.23	.938

Scale: 1= Strongly Disagree, 2= Disagree, 3= Neither Agree nor Disagree, 4= Agree, 5= Strongly Agree

Six questions were asked to measure the social and family issues of respondents. Three statements received the mean value of around 4, indicating that majority of respondents often have sufficient time for themselves (M=4.00, SD=.689), they have sufficient



time to spend with their family member (M=3.86, SD=.719) and they have sufficient time to spend with their friends (M=3.78, SD=.853) (Table 6).

Table 6: Social Issues

Statements	Valid Number	Mean	Std. Deviation
Do you have sufficient time for yourself at this stage of your career?	254	4.00	.689
Do you have sufficient time to spend with your family at this stage of your career?	254	3.86	.719
Do you have sufficient time to spend with your friends at this stage of your career?	254	3.78	.853
Do you feel depressed due to the nature of work and legal practice?	254	3.33	.929
Does your legal practice affect your family life?	254	2.54	1.062
Does your legal practice affect your relationship with close relatives?	254	2.01	.683

Scale: 1= Never, 2= Rarely, 3= Sometimes, 4= Often, 5= Always

Four statements were asked to check the satisfaction level of respondents concerning their job. Two statements received a mean value of around 4, showing that the majority of respondents are satisfied with their social status at this stage of their career in society ( $M=3.83$ ,  $SD=1.007$ ) and with their advocacy skills ( $M=3.54$ ,  $SD=.905$ ). One statement received the mean value of around 2 indicating that the majority of respondents are dissatisfied with their financial earnings at this stage of their career ( $M=1.94$ ,  $SD=.842$ ) (Table 7).

**Table 7: Satisfaction & Job**

Statements	Valid Number	Mean	Std. Deviation
How satisfied are you with your social status in society at this stage of your career?	254	3.83	1.007
How satisfied are you with your advocacy skill level at this point in your career?	254	3.54	.905
How satisfied are you with your career at this stage?	254	2.73	1.124
How satisfied are you with your financial earnings at this stage of your career?	254	1.94	.842

Scale: 1= Very Dissatisfied, 2= Dissatisfied, 3= Unsure, 4= Satisfied, 5= Very Satisfied

Five questions asked the respondents to explain the common issues faced by them at the start of their careers. Three statements received the mean value of around 4, indicating that the majority of respondents agree that they do not have a network of clients (M=4.05, SD= .899), it was hard for them to find independent professional cases (M=3.83, SD= .956) and they were given menial work like adjournments

in the courts by seniors (M=3.54, SD= 1.227). Only one statement received the mean value of around 2, showing that the majority of respondents disagree that it was hard to find a senior lawyer/law firm for apprenticeship (M=2.09, SD= .936) (Table 8).

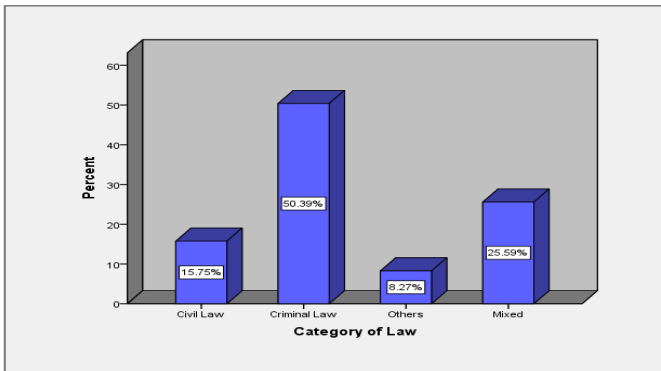
Table 8: Common Issues Faced at the Start of Career

Statements	Valid Number	Mean	Std. Deviation
I do not have a network of clients and connection for cases.	254	4.05	.899
It was hard to find independent professional cases.	254	3.83	.956
I was given menial work like adjournments in courts by senior.	254	3.54	1.227
There is a lack of trust by senior regarding case handling.	254	2.73	.750
It was hard to find a senior lawyer/law firm for apprenticeship.	254	2.09	.936

Scale: 1= Strongly Disagree, 2= Disagree, 3= Neither Agree nor Disagree, 4= Agree, 5= Strongly Agree

Respondents were asked a question about the area of law of practice and cases in which they are dealing. A majority (50.39%) of them replied that they are working on criminal cases and criminal law and only a small minority (8.27%) are working in other fields than Civil & Criminal Law (Diagram 1).

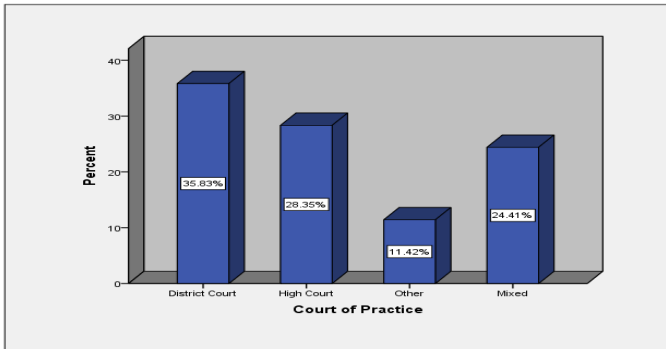
Diagram 1: Respondents practicing in the different areas of law



The respondents were asked a question about their place of practice i.e. in which court they are currently practicing. The majority (35.85%) of them were working in “District Courts,” followed by High Court (28.35%). Only (11.42%) are working in other

specialized courts like banking courts etc. (Diagram 2).

Diagram 2: Respondents practicing in the different courts



## VI. DISCUSSIONS

The limitations and issues faced by the early career lawyers in the profession reflect upon the shortcoming of legal education, skills development, and available support by the bar councils. The legal education in Pakistan has used traditional methods of teaching that does not help the practitioner develop practical advocacy skills. Moreover, bar councils

have not devised the effective entry criteria for the aspirant for the legal practitioners. The politicizing trends in the bar councils have diverted them from the primary function of regulating and building the skills of the early career legal practitioners.

Most of the early-career legal professionals work under the supervision of senior lawyers. This makes the junior lawyer dependent on the senior lawyer financially, professionally, and politically. Therefore, the career development of the young lawyers at the mercy of senior lawyer groups. The financial issues impact the morale of the young lawyers that discourages the participation of new entrants.<sup>13</sup> Moreover, the senior lawyers and overall infrastructure of the bar council are not supportive of building the legal advocacy skills among the lawyers.<sup>14</sup> The libraries are outdated and the modern internet tools for searching the legal sources are not available. The issues faced by young lawyers are

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<sup>13</sup> Meir Yaish & Haya Stier, *Gender Inequality in Job Authority. A Cross-National Comparison of 26 Countries*, 36 WORK & OCCUPATIONS 343 (2009).

<sup>14</sup> A. Bilkis, S. B. Habib, & T. Sharmin, *A Review of Discrimination in Employment and Workplace*, 4 ASA U. REV. 137 (2010).

multi-faceted. For this reason, the ratio per 10,000 lawyers remains lower in comparison with global standards.

Inadequate professional and financial support affects the personal and family life of early-career legal professionals. The young lawyers feel it difficult to find a work-life balance. Lack of professional support, inadequate remuneration from the senior lawyers, using young lawyers in political campaigns, and scare dealing of clients put the young legal professionals at a disadvantage situation in the profession. Similar issues are found in the research conducted by Khan Faqir, et al. and others where they have established the issue of the dependence of young lawyers on senior bar members.<sup>15</sup> Among many other issues, the finding included the lawyer-client networking challenges where the young lawyers found it hard to secure independent cases directly from the clients.

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<sup>15</sup> Khan Faqir, Fakhru Islam, & Shahid Hassan Rizvi, *The Lawyers Movement for Judicial Independence in Pakistan: A Study of Musharraf Regime*, 2 ASIAN J. SOC. SCI. & HUMAN. 345 (2013).



Contrary to the issues faced by the young lawyers, the study found that the early-career lawyers show that the participants demonstrate satisfaction towards the social status of the profession in society. A recent study by Muhammad Azeem finds the reason for the social status of lawyers in the lawyer's moment that connected the lawyers around the nation with the society and introduced them as the saviors of constitutional rule.<sup>16</sup> The legal profession in Pakistan is evolving.<sup>17</sup> The legal profession has seen the times of partition politics, military regimes, and the lawyers' moment to protect the sanctity of the constitutional rule.<sup>18</sup> The study finds that the issues faced by the early-career lawyers have roots in politicizing the bar councils, inadequate research and professional facilities, monopoly of the senior lawyers, and unavailability of financial support. The

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<sup>16</sup> MUHAMMAD AZEEM, *LAW, STATE AND INEQUALITY IN PAKISTAN: EXPLAINING THE RISE OF THE JUDICIARY* (2017).

<sup>17</sup> Shoaib A. Ghias, *Miscarriage of Chief Justice: Judicial Power and the Legal Complex in Pakistan under Musharraf*, 35 L. & SOC. INQUIRY 985 (2010).

<sup>18</sup> Osama Siddique, *Marital Law and Lawyers: The Crisis of Legal Education in Pakistan and Key Areas of Reform*, 5 REGENT J. INT'L L. 95 (2007).

young lawyers often get discouraged by the issues in the profession opt for other professions. For this reason, a brain-drain starts from the legal profession.

The study finds that the bar council must effectively play its regulatory and professional role in the early-professional life of the new entrants in the bar councils of Pakistan. As the bar council is independent in its regulatory and supervisory role, this gives them more space in acting rapidly. The bar council may try their best to uplift he is existing research and professional facilities such as libraries, access to online databases, internet connectivity, and other supporting gadgets. Moreover, the bar council must focus on the skill development activities in the form of seminars, lectures, workshops led by the experienced senior bar members. The bar council should adopt a strategy to provide financial support to the early career struggling lawyers. Only a professionally sound Bar Council system can play its role in protecting constitutionalism, establishing a society based on rule of law, and building a peaceful society.

## VII. CONCLUSION

The study has mapped the issues faced by young lawyers in the early years of the legal profession. The study has adopted a broader approach to cover the issues ranging from the development of legal skills to the work-life balance of the young lawyers. The empirical evidence will help the regulators adopt an effective approach to encourage the participation of young lawyers in the profession. Resultantly, it will increase the population-lawyers ratio to uplift the standards of rule of law in society. Moreover, it will indirectly highlight the issues of legal education, the application of legal education in the profession, and the role of bar councils in facilitating the early-career lawyers in the profession.

## VIII. STUDY LIMITATION

This study has adopted a quantitative approach to study the issues faced by young lawyers. A quantitative approach is an objective; however, the issue may be studied qualitatively to find the

subjective aspects of the issues faced by the lawyers. Moreover, the study is limited to the point of view of lawyers. Further study may focus on the point of view of the bar councils.<sup>19</sup>

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<sup>19</sup> See Juwana Hikmahanto, *Legal Education Reforms in Indonesia*, 1 ASIAN J. COMP. L. (2006).