



YOUNG VOICES FOR JUSTICE: ADVOCATING FOR CHANGE THROUGH LEGAL SCHOLARSHIP

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Abstract

“This paper examines the prospects of advocacy and the implications behind it in order the master the art. Although the profession of law requires dedicated time and persistence but with the younger generation being more equipped with technology and guided assistance available with just one click search therefore it has become conveniently easier to navigate around the methods and resources available to find the expertise in the interested subject of law. The next generation possesses the power of advanced mediums to find their sweet spot and polish their research skills with the most authentic and credible sources available. With the increasing competition in the field, it is now more than ever for aspiring young brains to utilize their time in trying to excel themselves in the most convincing fashion as their replacement is always available however if they master their craft as soon as possible thus would make them miles ahead as compared to their struggling rivals.

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1. Introduction

In determining the concept of advocacy which is derived from the Latin term *advocatus* that essentially means “one called to aid” or “a pleader on one’s behalf,”¹ It is important to understand the cruciality of this tagline attached to a personality as not only it upholds the spectrum and stature of the profession of law but also exceeds the relief seeker’s expectations. In the medieval times, the tagline was attached with a delegated responsible person affiliated with the feudal lords specially in the Roman Empire.² However in the modern era, an advocate is regarded as a legal counsel/representative with the knowledge of law assisting a compromised party appearing before the court and litigating whilst presenting facts, arguments, counter arguments on behalf of their clients. In the Jadhav³ case, the Hon’ble Supreme court of India observed that;

*“Advocacy is not a craft but a calling; a profession wherein devotion to duty constitutes the hallmark. The sincerity of performance and the earnestness of endeavor are the two wings that will bare aloft the advocate to the tower of success. Given these virtues, other qualifications will follow of their own account. This is the reason why the legal profession is regarded as a noble one.”*⁴

1.1. Importance of young voices in advocacy

Undoubtedly, the newer generation is far more sharply equipped to understand the complexities of law, which the last generation took years to comprehend. Leveraging artificial intelligence and ubiquitous internet access, from a very young age do some get exposed to the legalities and policy issues surrounding the world which makes industry competent⁵ and ahead of their working peers. According to United Nations Children’s Funds (UNICEF), the youth’s demographic is growing globally presenting immense opportunities and challenges. Young voices are inclining to amplify concerns such as poverty, health issues, education gaps, climate change – factors that demand immediate attention and a solid action to be taken.⁶ By 2030, there will be 2 billion young people seeking opportunities. What will this mean for education,

¹ Emmaline Soken-Huberty, ‘What Is Advocacy?’ (*Human Rights Career*) www.humanrightscareers.com/issues/what-is-advocacy/ accessed 25 March 2024

² Wikipedia contributors, “Advocatus,” Wikipedia, The Free Encyclopedia, en.wikipedia.org/w/index.php?title=Advocatus&oldid=1175494497 accessed 26 March 2024

³ J.S Jadhav v. Mustafa Haji Mohamad Yusuf (1993) AIR 1535

⁴ Law Notes, ‘Seven Lamps of Advocacy’ <https://lawnotes.co/seven-lamps-of-advocacy/> Law Notes, accessed 29 March 2024

⁵ Sarah Wong, ‘What Young Lawyers Want’ (*Asian Legal Business*, 24 July 2023) www.legalbusinessonline.com/features/what-young-lawyers-want accessed 29 March 2024

⁶ UNICEF’s report, *Championing Change Through Advocacy* www.voicesofyouth.org/youthadvocacy paras 1.1-1.5

jobs, and healthcare? What decisions need to be made today to satisfy people's needs in 10, 15, or even 30 years?⁷

1.2. Role of legal scholarship in driving change

In the past few years, the discernible uptick in the pursuit of legal scholarship has gradually increased amongst aspiring law students who intend to avail top tier legal education at a subsidized cost based on the meritorious achievements in their track record but also leaving an indelible mark on the legal landscape. However, there is more to that as availing a scholarship not only exposes one to a set of higher standards but grants a responsibility to generate transformative ideas by in-depth researching, analysis and writing which can further assist the legal hemisphere⁸. For instance, Judge Alex Kozinski argues that “grand transformative ideas” primarily emerge from academia, where legal scholars are in a unique position to create and disseminate them according to their taste.⁹ Not only such contributions would enhance critical examination but outshine one from the rest of the crowd and notably some legal scholars have left a lasting legacy, exemplified by the compilation of the fifty most cited legal scholars of all time¹⁰, spotlighting individuals who have significantly impacted legal thought and institutions whereby resonating with legal academia, affecting legal systems and reverberating within society at large.

2. Understanding the legal landscape

2.1. Analyzing existing laws and policies

The process of understanding jurisdiction¹¹ ensures that legal matters are addressed appropriately, respecting both the subject matter and the geographical context hence it is crucial for young individuals in the field of law to research firstly regarding the legal system of their place of practice i.e; common law¹² system which is based on judicial precedents and is

⁷ Ibid para 2.1

⁸ Scholastica Blog. (2023). ‘Legal Scholars Writing About 2023’ <https://blog.scholasticahq.com/post/legal-scholars-writing-about-2023/> accessed 29 March 2024

⁹ Robin West and Danielle Citron, ‘On Legal Scholarship’ para. 6 <https://www.aals.org/current-issues-in-legal-education/legal-scholarship/f> accessed 29 March 2024

¹⁰ Fred R. Shapiro, ‘The Most-Cited Legal Scholars Revisited’ <https://lawreview.uchicago.edu/print-archive/most-cited-legal-scholars-revisited> para. 2.1 (*The University of Chicago Law Review*) accessed March, 29 2024

¹¹ Britannica, T. Editors of Encyclopaedia (February 26, 2020). *jurisdiction*. *Encyclopedia Britannica*. <https://www.britannica.com/topic/jurisdiction> accessed 30 March 2024

¹² University of Lincoln’s article, ‘The value of law: understanding the purpose of laws and legal systems’ November 8, 2022 para. 2 <https://online.lincoln.ac.uk/the-value-of-law-understanding-the-purpose-of-laws-and-legal-systems/> accessed 30 March 2024

prominent in countries like United Kingdom and United States of America,¹³ the civil system¹⁴ which is a codified written legal system mostly seen in the European Countries, a religious legal system where cleric or religious leaders interpret and enforce laws such as in Saudia Arabia the primary sources of law are the Quran the Islamic religious text, as well as from the Sunnah (Hadith).¹⁵ Further there is a customary law system where traditions, practices, and customs of specific indigenous communities are considered to become the law which is usually observed in some rural areas i.e; Andora¹⁶, a small country in the Pyrenees bordering Spain and France and also hybrid legal system where there is a combination of different legal systems i.e; UAE, which is mixture of civil and shariah legal system. Hence, comprehending the hierarchical structure of courts, along with its judicial ramifications and the strategies for adept navigation, is imperative from an early juncture.

Secondly, it's vital to also stay updated regarding the state policies pertinent to the geographical location through diligent research and practical engagement which is usually preferred to do so in the undergraduate years of the bachelor degree. Though one can stay updated regarding government polices via the media, gaining a comprehensive overview of the real-world work ethic necessitates participation in internships and collaborations with practicing legal professionals are essentially the right call. According to Journal of Legal Education¹⁷, it is mentioned that, *"The contemporary law student works while attending law school. Whether the work is done with live clients in a law school clinic or as part of a law school externship program or in a law office during summer break or on a part-time basis during the school term, it is the rare student who graduates from a law school without spending some time working."*¹⁸

2.2. Identifying gaps and injustices

A paramount facet is the discernment of lacunae and injustices within the society and as a serving young legal scholar, it is the sacred duty to preserve the integrity of the affected and

¹³ Legal Information Institute, "Common Law" (Cornell Law School, last updated May 2020) https://www.law.cornell.edu/wex/common_law, accessed 30 March 2024

¹⁴ Diffen, 'Civil Law vs. Common Law,' https://www.diffen.com/difference/Civil_Law_vs_Common_Law, accessed 30 March 2024

¹⁵ "Legal and Judicial Structure," The Embassy of the Kingdom of Saudi Arabia, <https://www.saudiembassy.net/legal-and-judicial-structure-0>, accessed 21 December 2021

¹⁶ The World Factbook, Central Intelligence Agency, 'Andorra,' last updated 14 December 2021, <https://www.cia.gov/the-world-factbook/countries/andorra/>, accessed 30 March 2024

¹⁷ Givelber, D. J., Baker, B. K., McDevitt, J., & Miliano, R. (1995). Learning through work: An empirical study of legal internship. Journal of Legal Education, 45(1), 1. Retrieved from <https://www.proquest.com/scholarly-journals/learning-through-work-empirical-study-legal/docview/1290645101/se-2> accessed 30 March, 2024

¹⁸ Ibid pg. 4 para. 2

uphold the rule of law.¹⁹ Commonly such examples are known within each and every society yet one notable illustration pertains towards Mr. Jibran Nasir,²⁰ a Pakistani lawyer and civil rights activist who became the spokesperson in the Nazim Jikhio murder case and the injustice that occurred with the victim and his family.²¹ Further he also represented the National Human Rights Commission regarding the same case in the Anti-Terrorism Court (ATC) pertaining to the jurisdictional issue of the case.²²

Young advocates can find inspiration in the contributions of individuals who have taken on challenges such as combating corrupt legal systems or navigating media controversies. While information about these endeavors is readily accessible and it is crucial to explore the diverse aspects in law and then specializing in it which is also considered as a growing key to success amongst majority of experienced professionals.²³

3. Harnessing the power of research and analysis

3.1. Conducting empirical studies

Engaging in research serves as a vital instrument for advancing within the field of law however for that one needs to find authentic sources of law to from which the content would usually be derived. According to the guide of Oklahoma City University School of Law guide²⁴, it accepts the explanation put forth by John Baldwin and Gwynn Davis in Chapter 39 of the Oxford Handbook of Legal Studies: “...*empirical research in law involves the study, through direct methods rather than secondary sources, of the institution’s rules, procedures, and personnel of the law, with a view to understanding how they operate and what effects they have. It is not a synonym for 'statistical' or 'factual', and its intellectual depth and significance are not determined by the empirical label.*”²⁵ Empirical research holds significant value due to its capacity to address pivotal inquiries within the realm of law and legal institutions that cannot be adequately elucidated through conventional textual analysis methodologies. For instance, when investigating the ramifications of adopting a specific legal principle on the decision-making processes of both individuals and businesses, textual analysis alone may prove

¹⁹ Sung Hui Kim, ‘Reimagining the Lawyer's Duty to Uphold the Rule of Law’, 2023 U. Ill. L. Rev. 781 (2023)

²⁰ Wikipedia contributors, “Mohammad Jibran Nasir,” *Wikipedia, The Free Encyclopedia*, https://en.wikipedia.org/w/index.php?title=Mohammad_Jibran_Nasir accessed 30 March 2024

²¹ Express Tribune’s, ‘Civil society demands justice for Nazim Jikhio’ *Express Tribune* (Karachi, 19 April 2022) 4

²² News Desk, ‘ATC defers verdict on jurisdiction in Nazim Jikhio murder case’ *Pakistan Today* (Karachi, 10 May 2022) 5

²³ Tomas Suros, ‘Building a Better Law Practice: 7 Reasons to Specialize’ *Attorneyatwork* last updated 30 June 2023 <https://www.attorneyatwork.com/law-specialization/> accessed 30 March 2024

²⁴ Chickasaw Nation Law Library, ‘Empirical Research in Law, Empirical Legal Studies or Scholarship? Why is empirical research in the law important?’ *Oklahoma City University School of Law* last updated 24 September 2020 <https://libguides.okcu.edu/c.php?g=225209&p=1492456> accessed 30 March 2024

²⁵ Ibid para. 2

insufficient. Nonetheless, empirical methods offer the means to comprehend how advocating for a judgment endorsing a particular legal doctrine could be bolstered by incorporating empirical evidence concerning its anticipated impact on real-world stakeholders.²⁶ However these studies do require a cost thus as empirical researchers, some may seek funds from organizations that provide grants or other means of funding to support their work. One great example is of the American Bar Association Section for Litigation Research Fund which was established to support scholarly acumen to advance the prospects of civil litigation in the United States.²⁷ Whereas the international students pursuing a degree from globally recognized institutes such as the University of London, they get access to virtual learning environment (VLE) portals having a huge online library database,²⁸ giving access to various websites through institution registration and can be a resourceful tool to access both the primary and secondary legal sources. Even in countries like Pakistan, many students can benefit from PakistanLawSite²⁹ which is an only based resource tool comprising of statutes, rules and cases relating to Pakistan – though it's to be noted that these subscription-based platforms vary to the registration requirements set out as per their guidelines.

3.2. Utilizing legal research methods

Once the students are aware of accessing the most authentic sources available therefore, they must also utilize that ability in such a way that makes their craft unique and therefore must involve defining the research question, identifying key legal issues, and breaking down complex questions to systematically analyze relevant legal components for comprehensive research.³⁰ Black's Law Dictionary defines legal research as *“the finding and assembling of authorities that bear on a question of law”*³¹ whereas effectively doing that with the utilization of both the primary and secondary sources of law – mentioned also in the official handbook of Centre for Law, Justice and Policy (CLJP)³² in detail. It encompasses three key aspects which are case law i.e; involves navigating and analyzing judicial opinions, validating cases with citators and understanding case citations, regulatory i.e; interpreting administrative regulations, exploring agency decisions, and accessing administrative registers and secondary source

²⁶ Pauline Kim, Do We Have the Numbers? Empirical Research in Law – International Law as a Case Study, Program at the American Association of Law Libraries Annual Meeting (10 July 2006)

²⁷ Ibid

²⁸ <https://onlinelibrary.london.ac.uk/resources/databases>

²⁹ <https://www.pakistanlawsite.com/Login/MainPage>

³⁰ Thomson Reuters, 'How to do legal research in 3 steps' 10 November 2020

<https://legal.thomsonreuters.com/en/insights/articles/basics-of-legal-research-steps-to-follow> accessed 30 March 2024

³¹ Ibid

³² CLJP's Official Legal Handbook (page 10-27) https://cljp.denning.edu.pk/wp-content/uploads/2024/03/CLJP-Official-Handbook_compressed.pdf

research i.e; constitutes of consulting legal encyclopedias, reviewing law reviews, and exploring research guides.

4. Crafting persuasive arguments for advocacy

In the realm of law, constructing persuasive arguments is not considered a skill rather an art form.³³ There's a famous saying by Desmond Tutu,³⁴ "*Don't raise your voice, improve your argument.*" Facts are not equal, some are more important than others, some more persuasive hence an advocate must use the facts to persuade.³⁵ Either be it litigation or corporate law, a lawyer's ability to convince the opposite party albeit the jury, the judge or during out of court settlement is to have conscious and thoughtful presence of mind³⁶ to gain an edge in the field of advocacy. Though it comes with practice and experience, if exposed early to extracurricular activities such as debating and mooting³⁷ alongside academics thus one can polish the skills confidently and be miles ahead than those of the competition. Learning the aspect of storytelling humanizes legal arguments, linking facts, evidence, and legal principles cohesively, enhancing the comprehension which connects abstract principles with relatable contexts, fostering engagement with narratives that resonate with decision-makers and giving the arguments a sense of emotion and life whereby also respecting its integrity is a skill difficult to master but not impossible to achieve.³⁸

Conclusion

Mastering advocacy demands time and dedication, and beside courtroom success, and societal respect benefiting all ages, it benefits critical analysis which makes one a well-rounded individual in any choice of career. Dr Scott Turcott mentioned Proverbs 31:1-9. Verses 8 and 9 read, "*Speak up for those who cannot speak for themselves, for the rights of all who are destitute. Speak up and judge fairly; defend the rights of the poor and needy.*"³⁹

³³ Francis Mordin, 'Crafting Compelling Legal Arguments: The Art of Persuasion in Advocacy' para. 1 *LawCrossing* published 17 September 2023

³⁴ Wikipedia contributors, "Desmond Tutu," *Wikipedia, The Free Encyclopedia*, https://en.wikipedia.org/w/index.php?title=Desmond_Tutu accessed 30 March 2024

³⁵ Glickman, Julius. 'Persuasion in Litigation.' *Litigation* 8, no. 3 (1982): 30–33. <http://www.jstor.org/stable/29758707>. accessed 30 March 2024

³⁶ Mark Nevins, 'How to Improve Your "Executive Presence"? Balance Advocacy and Inquiry' 10 August 2023 www.forbes.com/sites/hillennevins/2023/08/10/how-to-improve-your-executive-presence--balance-advocacy-and-inquiry/ accessed 30 March 2024

³⁷ Alex Maton, 'Mooting and Advocacy Skills: A Comprehensive Guide' 16 March 2023 <https://www.oxfordscholastica.com/blog/mooting-and-advocacy/> accessed 30 March 2024

³⁸ *Supra* n. 33

³⁹ 'What does it mean to be a Voice for the Voiceless?' *Indiana Wesleyan University* 15 March 2018