

“Litigation as a Career”

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How often one hanker about wearing the attire arrayed by the handsome Mr. Potter in the most celebrated movie series “HARRY POTTER” based on the novels authored by J.K Rowling.

The black shining gown caressing the body from the top to the bottom brings an ineffable confidence to stand up to the expectation for the- “*I can handle no matter what attitude*”.

The legal spectrum of India gives an opportunity for students of every stream to pursue their career in the field of law by enrolling themselves into 5 years or 3 years law degree programme which can be pursued after class 12th and after graduation respectively.

We are not enlightened much about litigation as a career, what we famously call it as “Vakalat” and whatever brief we hear about it mostly saps the vicinity of one eyeing to passionately wear that stupendous attire. Entering the field of law in the year 2020 is more about attracting moneyed corporate jobs, securing government legal positions, getting into established law firms, academic assimilation and masters from abroad. With so many attractive and assured opportunities already veiling litigation as an option for career, the many harsh facts, some exaggerations, some bad interpretations, some impatience, some inevitable circumstances, talks of first generation – second generation lawyer, ear drums being kissed by noises such as *you won’t earn for initial five years*, etc, leaves no effort in putting an iron gate in front of the erected veil against the option litigation.

Litigation as a career can never be imposed upon someone unless one understands the pedigree of the field and the charm it gifts to an individual accepting it passionately.

In this article, we will minutely deal and discuss everything about litigation, what it offers to someone practicing it passionately and patiently and how the two P’s “***Passion and Patience***” is having the power to unveil the glories of litigation.

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AN INTRODUCTION TO LITIGATION

Litigation is the process of resolving disputes by filing a complaint and resolving it through the public court system. Advocates being the litigator and judges deciding the case on the basis of evidences provided in the court, concludes a case. The advocate is the protagonist in deciding the outcome of a case. Being the personage principle it becomes important for an advocate to have excellent communication skills, written and oral, analytical and research skills.

The courts are presided by the Hon'ble Judges who pass decisions on disputed matters and the learned Advocates are the ones who help and assist the Hon'ble Judges for a better conclusion and decision in the respective disputed matter. The Indian Judicial System works in many folds and hierarchy and we have different tiers of courts such as the Supreme Court, High Court, District Court and other sub –ordinate courts and tribunals.

For qualifying as an advocate and entering into the career of Litigation, one is supposed to possess the Degree of Law and clear the All India Bar Examination conducted by the Bar Council of India.

The Indian legal fraternity provides the degree course of law just after class 12th i.e, the integrated 5 years course which is being offered by various institutes across the country as well as the recognised National Law Universities of the country wherein an aspiring candidate can enrol his/her name by clearing the Common Law Admission Test Examination which is conducted every year.

Other than the above, the old platform of entering the law course after graduation (any field) for the law degree course of 3 years. Again the same can be joined through the universities respective entrance examination which offers the specified degree programme.

FOR WHOM THE FIELD CAN BECOME FORVER INTERESTING:

“Where there is much desire to learn, there of necessity will be much arguing, much writing, many options; opinions in good men is but knowledge in the making³”.

The many virtues of litigation is something which is not achieved after reading few sets of book and only reading about the field of law. It is way more than the field of law itself. As an advocate one can get a client from the field of medical today and engineering tomorrow. One might be the case of Medical Negligence and the other might be the scam in construction of National Highway. Perhaps, the doctor too deals with the patients working in different domain and in the same dimension many different profession grabs attraction of clients working in different field. But what is it which makes an advocate, the field of litigation per se different from others? To our understandings and observations, the advocate is inevitably supposed to get into the depth of the process involved in the field of his/her client whereas it

³ John Milton, Areopagitica

is not much required in different professions. For an example – A doctor while treating an advocate patient is not supposed to know about the process involved in the` practice of law but the doctor is only concerned for curing the patient’s disease, no matter what the profession of the patient is. Whereas, an advocate while listening to the grievances of the doctor client, who might be facing charges of medical negligence is unavoidably required and supposed to educate himself / herself of the process involved in the medical treatments for saving the doctor client.

The society keeps transforming and moulding itself into different shades, changing the ounces of the equilibrium achieved in every calendar year. We wake up every day with new developments and we read them in the daily newspaper. Certain regulations passed by the administrative bodies, an enactment of new law, prohibition of movement, etc. All these aspects are very closely linked to the field of law as we live in the country where “**Rule of Law**” exists. There is only one institution where any citizen of the country can approach if the citizen is not convinced or is grieved by the acts of the State and that is the Courts of the country where it is all about Litigations.

Summing up the above paragraphs, litigation is for someone who wants to always keep learning and stay agile, curious for figuring out as to how the country in functioning, as to what is wrong and what is right and paramount is the contribution which one provides to the society till his/her last breath.

Howsoever old you be, or howsoever old you get, may you always have the vigour and the enthusiasm of youth, to appreciate the enormity and magnificence of the LAW, and the will to unravel the mysteries and the mistakes in the LAW!⁴

For the ones who are eyeing for litigation as a career – Litigation is interesting if one does not make it and feel it as a job. Litigation is interesting and forever enjoying if one is honest with oneself about the knowledge one possesses about subjects of various fields. One just needs to keep their eyes and ears open with a focused mindset. Moreover, it is not just the command of law and the information one gathers. Maturity is the threshold of a successful advocate and it will only come with experience. No matter how good one might be with the books, being humble, calm, patient with the BAR (fellow colleague Advocates) and the BENCH (the Hon’ble Judges) is the only way forward. One must never forget to place their opinion determinately in trying to be humble. One needs to draw the line between them neatly.

I’ve never had a humble opinion. If you have got an opinion, why be humble about it?⁵

⁴ Fali S. Nariman, Senior Advocate, Supreme Court of India in his book – God Save the Hon’ble Supreme Court of India

⁵ Joan Baez - 1992

TUSSLE BETWEEN FIRST GENERATION AND LEGAL BACKGROUND ADVOCATES

Name it nepotism or name it convenience or an easy access, it is definitely a privilege to start litigation when you have someone to look after. It is not just with litigation, it is with every profession ever created by the mankind.

But what about the first generation advocates starting from the scratch? No wonder it is a big challenge when you compare them with the advocates having legal background but is it near to impossible or is it that difficult?

Let us try to break the sequence further into illustrations:

(A and B graduated from the same University and both started practicing at Court X. A being privileged had a father with a roaring litigation career of more than 30 years and with that various connections and a good will before the BAR and BENCH. B on the other hand simply had no one even at distant associated to court.

It was a piece of cake for A in joining any chamber in the Court X whereas B had to face many difficulty in getting himself a senior and still must not have joined the senior like A.

After joining their respective chambers in Court X, both A and B are now on the same ladder (might be different in position) and have to work on their potentials to move up the ladder.)

It is not the level difficult of nepotism as we see in Bollywood as the court premise is full of advocates and it is the duty of the aspiring candidate to figure out the senior accordingly. On a factual note, many good advocates practising in various courts across the country fails to get a good junior to work with and in the same court it may be found that few advocates might be having 10 juniors and out of those 10 hardly few of them get to actually work. Basic Economic terminology can be used here.

What we see from our perspective that there is a paucity of junior in the Indian courts in spite of the crowd which we see in the court premises as good legal brains are not able to find the courage to enter the field with various fears in their mind, such as – **No earnings, No work, First Generation, Time Taking, etc.**

Let us take our attention back to the two **P's**:

“Passion and Patience”

The field does require many sacrifices and great amount of patience but at the end it is all worth it if an individual is purely honest to his/her work during the times of struggle. The first and the utmost important thing is the honesty to the self.

The road of hurdles seems to be fun if one is passionate about the field. Passion is inevitable an essential henceforth.

The initial few years is indeed the most struggling phase as with struggle it also invites bankruptcy and it does not seem to change in near future if one is not joining a firm or a corporate office. The payment to juniors is of negligible sort in the courts across the country and for that reason most of the aspiring candidates need to somehow or the other manage their living expense and kick start their litigation. But it is not just litigation which requires someone to do that. Any business module profession or an individual aspiration into any organisation requires one to invest and structure oneself accordingly. No one paid to the actor like Pankaj Tripathi and Late Sushant Singh Rajput to struggle in Mumbai and kick start their career in Bollywood. Actor Pankaj Tripathi used to cook in hotels, do night shifts and somehow kick started his career.

In our categorical research on advocates practicing from many years in different courts, we came across stories where the advocates used to teach school children for their expense and manage visiting to the court and their senior's chamber until they started earning modestly in the litigation profession. We came across stories where the advocate spent more than ten years of his initial career in a single room with all his family members including parents, wife and his children and went on becoming a High Court Judge later on.

Simultaneously, we also came across examples where the advocate when he joined the BAR, his father presided as the Judge of the said High Court, still he failed miserably as an Advocate.

So basically it is the passion which drives a person to achieve a milestone in the field of litigation.

Subsequent to Passion, it is PATIENCE which is required and is of essential characteristics. One must see their school mates taking a round trip to Dubai who are into corporate jobs and a struggling advocate must be adding money for recharging his/her internet pack to see the Dubai pictures but litigation is in itself a bossy and classy profession wherein – “*You are your own Boss*” from the beginning of your career and one should always remember profession like these are having no limits. It is an old say for this profession that the “*Sky is the limit*”. There are only trips and trips and trips without any leave application to someone afterwards if one stays honest and dedicated in the struggle gifted by the litigation profession in the initial years.

You work like a Slave, command like a King and create like a God⁶.

⁶ Constantin Brancusi